

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
FOR THE COUNTY OF YAVAPAI

2011 NOV 22 PM 2: 54

SANDRA K HARKHAM, CLERK

BY: Jacqueline Harshman

STATE OF ARIZONA,
Plaintiff,
vs.
JAMES ARTHUR RAY,
Defendant.

Case No. V1300CR201080049

REPORTER'S TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE WARREN R. DARROW

TRIAL DAY ELEVEN

MARCH 8, 2011

Camp Verde, Arizona

ORIGINAL

REPORTED BY
MINA G. HUNT
AZ CR NO. 50619
CA CSR NO. 8335

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1 Proceedings had before the Honorable
2 WARREN R. DARROW, Judge, taken on Tuesday, March 8,
3 2011, at Yavapai County Superior Court, Division
4 Pro Tem B, 2840 North Commonwealth Drive,
5 Camp Verde, Arizona, before Mina G. Hunt, Certified
6 Reporter within and for the State of Arizona.
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PROCEEDINGS

THE COURT: The record will show the presence of the defendant, Mr. Ray, the attorneys, and the jury.

Ms. Polk.

MS. POLK: Your Honor, we would like to resume with Jennifer Haley on the stand, please.

THE COURT: Okay.

Ms. Rybar will please summon Ms. Haley.

Ms. Haley, please come forward and resume the witness stand.

Good morning. And, of course, you're still under oath.

DIRECT EXAMINATION (Continued)

BY MS. POLK:

Q. Good morning, Ms. Haley.

A. Good morning.

Q. I want to go over an event that you talked about when you were on the stand last week. And that related to the hair shaving event.

Do you recall whether Liz Neuman had her head shaved?

A. No. I mean yes. I remember that she didn't have it shaved.

Q. She did not have it shaved. And then

with respect -- approximately how many heads did you shave?

A. 15 to 20.

Q. As a hair stylist, is there a protocol that you use with respect to disinfecting your equipment in between hair cuts?

MS. DO: Objection, Your Honor. Relevance.

THE COURT: Overruled.

You may answer that.

THE WITNESS: Yes.

Q. BY MS. POLK: And did you observe that protocol with respect to the 15 to 20 heads that you shaved?

A. No.

Q. And why not?

A. I wasn't instructed to.

Q. By whom?

A. James Ray.

Q. Let's talk now about the diet that you were all given for the week.

Do you recall what kind of food you were served?

A. Vegetarian.

Q. And did Mr. Ray talk to you about why you were eating vegetarian food?

A. Yes.

Q. What do you recall?

A. He said there was a reason that he gave us vegetarian food, because the event was for altered states, and it kept you less grounded because protein would ground you more.

Q. Ms. Haley, I'm showing you or handing you a CD.

Prior to taking the stand here to testify, did you have an opportunity to review what is on that CD?

A. Yes.

Q. And does that, what is on that CD, accurately reflect the conversation that Mr. Ray -- wherein he talked to you all about the vegetarian diet?

A. Yes.

MS. POLK: Your Honor, I move for the admission of Exhibit 744.

THE COURT: Ms. Do?

MS. DO: Is that the only excerpt that's on the CD?

MS. POLK: Yes.

MS. DO: No objection, Your Honor.

THE COURT: 744 is admitted.

(Exhibit 744 admitted.)

MS. POLK: With the Court's permission, I'd like to play it at this time.

THE COURT: Yes.

(Exhibit 744 is played.)

Q. BY MS. POLK: Did you, Ms. Haley, follow the vegetarian diet?

A. No.

Q. How did you not follow it?

A. I brought snacks.

Q. Such as?

A. Nuts, trail mix, chocolate.

Q. You talked last week also about the issue of sleep. Was that something that Mr. Ray spoke to you all directly about, not getting sleep that week?

A. No.

Q. Did you have an opportunity -- and when you say no, what do you mean?

A. I mean James Ray didn't tell us, the Dream Team, about the two, three hours of sleep we would get.

Q. And then with respect to all the participants, those who were there to be participants in Spiritual Warrior, do you recall an

1 occasion when Mr. Ray talked to everybody about
2 whether or not you should waste time getting sleep?
3 **A. Yeah. He said you'll sleep when you're**
4 **dead.**

5 **Q.** Let me show you what's been marked as
6 State's Exhibit 745. And, again, I'm handing you
7 another CD.

8 Before coming into the courtroom and
9 taking the stand, did you have the opportunity to
10 review what's on this CD?

11 **A. Yes.**

12 **Q.** And does it accurately reflect what
13 Mr. Ray told the participants about sleep?

14 **A. Yes.**

15 MS. POLK: Your Honor, I move for the
16 admission of Exhibit 745.

17 THE COURT: Ms. Do?

18 MS. DO: No objection, Your Honor.

19 THE COURT: 745 is admitted.

20 (Exhibit 745 admitted.)

21 MS. POLK: Your Honor, may I play it at
22 this time?

23 THE COURT: Yes, you may.

24 (Exhibit 745 is played.)

25 **Q.** BY MS. POLK: Ms. Haley, how did you and

1 the other Dream Team members including Liz Neuman,
2 decide who was doing the shift through the night to
3 support participants?

4 **A. We had a meeting at midnight --**

5 **Q.** Which night?

6 **A. On the first night and decided who wanted**
7 **to take what shift.**

8 **Q.** Did you and the Dream Team members do
9 shifts through the night every night during the
10 week?

11 **A. Except when they were -- yes.**

12 **Q.** Except when?

13 **A. When they were on the Vision Quest.**

14 **Q.** And you may have to pull up the mic a
15 little closer.

16 **A. When they went on the Vision Quest.**

17 **Q.** Let's talk now about the Samurai Game.

18 And that's where we left off last week.

19 Remind us what your role was in the
20 Samurai Game.

21 **A. Death angel.**

22 **Q.** Do you have a recollection as to Kirby
23 Brown and the Samurai Game?

24 **A. Yes.**

25 **Q.** Tell the jury what you remember.

1 **A. I remember the end of the night and**
2 **Kirby, where we moved her from the classroom to the**
3 **tent where the competitions were going to take**
4 **place.**

5 **Q.** Tell the jury how you -- why did you
6 remove Kirby?

7 **A. She was dead, and we needed to move her**
8 **to the tent where the competitions were going to**
9 **take place. We had to take all the dead people and**
10 **move them.**

11 **Q.** How many hours were you in the classroom
12 before you moved to the tent?

13 **A. Different people were there different**
14 **times. She was dead so she was in there -- I don't**
15 **know how long she was in there.**

16 **Q.** Do you recall at what point during the
17 Samurai Game Kirby was pronounced dead?

18 **A. No, I don't.**

19 **Q.** When did you become aware that Kirby was
20 among those pronounced dead?

21 **A. When we were to bring them to the tent.**

22 **Q.** Tell the jury how many participants were
23 dead when you moved them from the classroom to the
24 tent.

25 **A. It appeared to be about half.**

1 **Q.** Half of the players?

2 **A. Yes.**

3 **Q.** Which would be how many in numbers?

4 **A. I would guess we had about 52**
5 **participants, I believe. So 26. And that's a**
6 **guess. It's an estimate. I wasn't counting. It**
7 **looked that way.**

8 **Q.** How did you move the participants who
9 were dead from the classroom to the tent?

10 **A. You would take their hands. You would**
11 **put them on your shoulder, put them behind you, and**
12 **guide them to where they had to go with their eyes**
13 **closed.**

14 **Q.** They had to keep their eyes closed?

15 **A. Yes.**

16 **Q.** When was it that you became specifically
17 aware of Kirby Brown?

18 **A. I saw her being moved in the tent, and as**
19 **she was walking towards the tent, she looked uneasy**
20 **and uncomfortable. And she looked cold, so I made**
21 **sure she had a blanket and put it on her.**

22 **Q.** When did you do that? When did you put a
23 blanket on Kirby?

24 **A. When I was bringing other people to our**
25 **graveyard and laying people down. And I went in**

1 **there and saw an extra blanket and put it on her.**

2 **Q.** Did you do that for other participants as
3 well?

4 **A.** **That looked uncomfortable. And I didn't**
5 **see —**

6 **Q.** I beg your pardon?

7 **A.** **I didn't see another one as uncomfortable**
8 **as her.**

9 **Q.** What about Kirby Brown in particular drew
10 your attention to her?

11 **A.** **Can you say that again, please?**

12 **Q.** You said that you brought Kirby Brown a
13 blanket when you did not for the others.

14 **A.** **They all had blankets. I brought her an**
15 **extra blanket.**

16 **Q.** And tell the jury what specifically about
17 Kirby Brown made you think she needed an extra
18 blanket.

19 **A.** **She was acting really cold and teary**
20 **eyed.**

21 **Q.** Do you know about what time of the
22 evening it was that you brought Kirby the extra
23 blanket?

24 **A.** **I would estimate around 8:00.**

25 **Q.** What did you do with the blanket when you

1 brought it to her?

2 **A.** **I laid it on her.**

3 **Q.** And then what next drew your attention to
4 Kirby?

5 **A.** **Was when the game was over and she was**
6 **coming out in tears and pointing.**

7 **She was in a code of silence, and they're**
8 **getting ready for the Vision Quest. They're**
9 **supposed to have all their stuff available. And**
10 **she was trying to tell me something like she had to**
11 **go to the bathroom. I said, do you have to go to**
12 **the bathroom?**

13 **She goes, yeah.**

14 **I go, go to the bathroom.**

15 **And then she -- she starts going like**
16 **this, like cold is what I was guessing. I couldn't**
17 **guess what she needed, but she wanted something.**
18 **So I told her I wasn't allowed to let her go really**
19 **to leave. But I looked around and said, go get**
20 **what you need to get and come back.**

21 **Q.** And what did Kirby do?

22 **A.** **She left and, I guess, got what she**
23 **needed. And I didn't guide her after that. I just**
24 **said, hurry because I don't want to get in trouble.**

25 **Q.** When were you -- where was it that

1 participants were supposed to gather, then, to go
2 on the Vision Quest?

3 **A.** **Right outside the tent. Their stuff**
4 **should have been ready.**

5 **Q.** Okay. You told Kirby to go. Were you
6 there when Kirby came back?

7 **A.** **Yes.**

8 **Q.** Did you have further interaction with
9 her?

10 **A.** **No. Not that night.**

11 **Q.** When was the next time you had
12 interaction with Kirby?

13 **A.** **After the Vision Quest, right before the**
14 **sweat lodge.**

15 **Q.** Where did that interaction take place?

16 **A.** **It took place from the classroom on the**
17 **way to the sweat lodge.**

18 **Q.** What sort of interaction did you have
19 with Kirby at that time?

20 **A.** **She came up to me and hugged me and**
21 **teary-eyed thanked me for helping her from the game**
22 **to the Vision Quest and just hugged me and said,**
23 **thank you. And I'm, for what?**

24 **She just said, for helping me and being**
25 **nice to me.**

1 **Q.** I'm going to show you now, Ms. Haley,
2 State's Exhibit 743.

3 Did you also have the opportunity to
4 listen to what is on that audio before taking the
5 stand here today?

6 **A.** **Yes.**

7 **Q.** And do you recall at what point in the
8 seminar what appeared -- what is on this audio,
9 when that occurred?

10 **A.** **The last day before the sweat lodge or**
11 **the last classroom.**

12 **Q.** What happened in your last classroom?

13 **A.** **We had an open mic about the experiences**
14 **that happened during the Vision Quest and the**
15 **Samurai Game. So whoever got to talk.**

16 **Q.** And how much time was spent on open mic,
17 as you recall, on that last day?

18 **A.** **I don't recall.**

19 **Q.** When you're talking about the last day,
20 do you mean October 8th of 2009?

21 **A.** **Yes.**

22 **Q.** After the open mic session, then what
23 happened?

24 **A.** **Then we went to do the sweat lodge.**

25 **Q.** The jury has heard about a briefing from

1 Mr. Ray before entering the sweat lodge for the
 2 participants. When did that occur?
 3 **A. Could you repeat that question, please?**
 4 **Q.** Was there a time when Mr. Ray talked to
 5 the participants about what they would experience
 6 inside the sweat lodge?
 7 **A. Yes.**
 8 **Q.** How close in time did that briefing, that
 9 conversation, occur to that open-mic session that
 10 you just described?
 11 **A. It was at the same time.**
 12 **Q.** Okay. And when you had an opportunity to
 13 listen to what is on that audio, do you have a
 14 recollection of that particular conversation?
 15 **A. Yes, I do.**
 16 MS. POLK: Your Honor, the state moves for the
 17 admission of Exhibit 743.
 18 THE COURT: Ms. Do?
 19 MS. DO: Subject to the earlier discussion,
 20 Your Honor.
 21 THE COURT: 743 is admitted.
 22 (Exhibit 743 admitted.)
 23 MS. POLK: May I play it for the jury, Your
 24 Honor?
 25 THE COURT: Yes, Counsel. I just want to say

1 that this requires instruction.
 2 MS. POLK: I'm sorry, Your Honor. It does.
 3 Thank you.
 4 THE COURT: Ladies and gentlemen, I have a
 5 legal instruction for you. Ladies and gentlemen,
 6 the rules of evidence provide that some evidence
 7 can be considered only for a limited purpose.
 8 You are about to hear a statement that
 9 was made and recorded outside the courtroom. This
 10 statement is subject to the rule of hearsay and
 11 cannot be considered for its truth. What that
 12 means is that we do not know whether the statement
 13 is true or whether the speaker really engaged in
 14 any of the actions she describes. For that reason,
 15 you may not consider this statement as evidence of
 16 what the speaker actually did or believed. The
 17 only purpose you may consider the evidence for is
 18 for what effect, if any, the statement may have had
 19 on a listener.
 20 MS. POLK: Your Honor, I'll have to move on.
 21 It appears that the CD is not going to play at this
 22 time. I'll come back to it at another time.
 23 Thank you.
 24 THE COURT: Ms. Polk, we are going to break at
 25 11:00.

1 MS. POLK: Okay. Thank you.
 2 **Q.** Let's talk now about the Vision Quest,
 3 Ms. Haley.
 4 What was the role of the Dream Team
 5 members while the participants went on their Vision
 6 Quest?
 7 **A. We were in groups, and we were to put**
 8 **them in the spot that they were supposed to make**
 9 **their sacred space to sleep for two nights.**
 10 **Q.** Did you lead -- yourself lead
 11 participants out to their spots?
 12 **A. Yes.**
 13 **Q.** How many did you do?
 14 **A. I believe we led approximately five or**
 15 **six. And there would be two of us.**
 16 **Q.** And remind us what day we're talking
 17 about now when the Vision Quest started.
 18 **A. Tuesday -- Tuesday night.**
 19 **Q.** And it was immediately following the
 20 Samurai Game?
 21 **A. Right.**
 22 **Q.** Tuesday night after you left
 23 participants at their --
 24 **A. It was Wednesday night, wasn't it? The**
 25 **Samurai Game or -- let's see. The sweat lodge was**

1 **Thursday. They spent two nights. So it must have**
 2 **been Tuesday.**
 3 **Q.** After leaving participants at their spots
 4 in the desert for Vision Quest, what did you as a
 5 Dream Team member do?
 6 **A. We took shifts and stayed at the location**
 7 **in case somebody came down. And half of us got**
 8 **half a day off.**
 9 **Q.** What location are you talking about that
 10 you stayed at?
 11 **A. Angel Valley.**
 12 **Q.** Okay. How much -- explain for the
 13 jury -- you just said you talked about how half the
 14 people got the day off. How did that work?
 15 **A. The girls took from morning until 3:00 to**
 16 **go do whatever they wanted, have the day off, go in**
 17 **the city. And we came back at 3:00. And the men**
 18 **left at 3:00. And I don't know what time they were**
 19 **instructed to come back because the women just took**
 20 **the day.**
 21 **Q.** And that was on Wednesday?
 22 **A. Uh-huh.**
 23 **Q.** And when you talk about the girls and the
 24 men, are you talking about Dream Team members?
 25 **A. Yes.**

1 Q. That evening, Wednesday evening, did you
2 and other Dream Team members gather together?

3 A. Yes. The women.

4 Q. Where did you gather?

5 A. In the dining hall.

6 Q. What women were there?

7 A. Marta, Liz, me, Lisa, Melinda, Christine.

8 Q. About what time did you gather together
9 in the dining hall?

10 A. 3:30.

11 Q. Did you have something to eat and drink
12 then?

13 A. We were talking. We did around 5:00.

14 Q. What did you have to drink?

15 A. We had some wine.

16 Q. Where did the wine come from?

17 A. We bought it in the city.

18 Q. How long did you and the other female
19 Dream Team members gather in the dining room
20 drinking your wine?

21 A. We drank wine for about an hour.

22 Q. At some point did Mr. Ray come in?

23 A. Yes, he did.

24 Q. Tell the jury what happened when he came
25 in.

1 A. The first time he came in, he came in
2 upset that we were loud and we woke him up.

3 Q. What time was it?

4 A. About 8:00 o'clock.

5 Q. What did he say to you?

6 A. He said we were loud and we woke him up.
7 And we needed to keep it down, and we were to hold
8 sacred space.

9 Q. What does that mean, to hold sacred
10 space?

11 A. To hold energy for the participants, to
12 wish them well, to send them our light, to have our
13 hearts with them.

14 Q. How do you do that?

15 A. Well, I do it by having my heart with
16 them and their intention fulfilled. But that's me.

17 Q. Did Mr. Ray leave then?

18 A. Yes.

19 Q. And did he come back?

20 A. Yes.

21 Q. How much later did he come back?

22 A. Not long. Approximately 15, 20 minutes,
23 maybe a half an hour. I'm not sure.

24 Q. This is back into the dining room again?

25 A. Yes.

1 Q. What happened this time when Mr. Ray came
2 back in?

3 A. He came in angry, realized there was wine
4 on the table, said that we were disrespecting the
5 place that we were in and that he was disappointed
6 in all of us. And we were -- he thought a lot more
7 of us than all of that. And that we hadn't been --
8 we didn't have our heart in it and we hadn't been
9 conscious during the whole event because he was
10 hearing papers and food wrappers when he would tell
11 stories and made us -- just told us we weren't
12 doing an adequate job in what we were doing.

13 Q. Did any of you respond to Mr. Ray?

14 A. We did later, not that moment.

15 Q. Did anybody say anything to Mr. Ray when
16 he came in to express his unhappiness with you?

17 A. Not that moment.

18 Q. What happened next?

19 A. He left and then the women talked.

20 Q. What was the reaction -- what was your
21 reaction after that second time that Mr. Ray came
22 in?

23 A. I was offended.

24 Q. How long did you and the other women talk
25 about it?

1 A. Approximately 45 minutes, half hour.

2 Q. Did Liz Neuman participate in that
3 conversation?

4 A. Yes.

5 Q. What did you observe about her demeanor
6 during that conversation?

7 A. Everybody's demeanor was not happy with
8 him. Liz's was angry.

9 Q. Did that change over time -- the
10 sentiment of anger over that 45 minutes?

11 A. No.

12 Q. What happened next?

13 A. It was said in the group that if there
14 was an issue among us Dream Teamers, that it was
15 better to go get James so that there was no talking
16 behind anybody's back, that we clear up things with
17 him personally.

18 So we had decided to go get James Ray and
19 tell him how we all felt. Because everybody seemed
20 to have a problem with him and what he had said,
21 what James had said to all of us.

22 Q. Did someone go get Mr. Ray and bring him
23 back?

24 A. Christine Jobe.

25 Q. And then tell the jury what happened.

1 **A. Christine came in with James Ray and then**
 2 **tells us that we're going to go around in a circle**
 3 **and say what we learned from this experience to**
 4 **James.**

5 **Q. Did you do that?**

6 **A. Something started to happen, not quite**
 7 **what I expected, because the conversation was what**
 8 **they were upset about. And they said that they**
 9 **wanted to clear it up with him. What happened**
 10 **was --**

11 MS. DO: Your Honor, I'm going to object as
 12 both nonresponsive and hearsay.

13 THE COURT: Sustained.

14 **Q. BY MS. POLK: Without telling us what**
 15 **people said, did you go around in a circle and**
 16 **express things to Mr. Ray?**

17 **A. Yes.**

18 **Q. Were you surprised at what was being**
 19 **said?**

20 MS. DO: Objection. Relevance.

21 THE COURT: Overruled.

22 THE WITNESS: Yes.

23 **Q. BY MS. POLK: And why?**

24 **A. Because it was the total opposite of what**
 25 **they had been saying prior.**

1 **Q. Did you notice a change in attitude among**
 2 **the other women when Mr. Ray came back in?**

3 **A. Yes.**

4 **Q. What change did you notice?**

5 **A. Intimidation.**

6 MS. DO: Objection. Calls for speculation and
 7 foundation.

8 THE COURT: Sustained.

9 **Q. BY MS. POLK: Did you notice a change in**
 10 **the demeanor?**

11 **A. They were crying.**

12 **Q. Who specifically was crying?**

13 **A. They took turns crying.**

14 **Q. Was Liz Neuman one of those who cried?**

15 **A. Yes.**

16 **Q. What did you do, Ms. Haley?**

17 **A. I said I was offended by everything that**
 18 **was said and that I had spent thousands of dollars**
 19 **to be there, left my children to hell, and that it**
 20 **was inaccurate to say that my heart wasn't in it.**

21 **Q. How did Mr. Ray react when the other**
 22 **women started crying?**

23 **A. He didn't have a reaction. He listened**
 24 **to what they said while they were crying.**

25 **Q. How did this conversation with Mr. Ray**

1 end? How did it come to an end?

2 **A. It came to an end by everybody except me**
 3 **saying they were sorry and him taking that and**
 4 **feeling better with that, except his happiness with**
 5 **me.**

6 **Q. What did you say to Mr. Ray? You told us**
 7 **what you said. What did you say at the end when**
 8 **the other women were saying to him that they were**
 9 **sorry?**

10 **A. I shut up. I only spoke when I was asked**
 11 **to be spoke to and it was my turn, until he said**
 12 **from what I said. He said, well, if I'm going to**
 13 **be attacked, I'm leaving.**

14 **And I said, no. I'm the one that's being**
 15 **attacked. I'm just defending myself.**

16 **And then the girls jumped on me. James**
 17 **Ray and I just shut up. I didn't want to talk to**
 18 **anyone.**

19 **Q. How did you feel at that time?**

20 **A. Like an outcast and surprised.**

21 **Q. How long did that conversation with**
 22 **Mr. Ray last?**

23 **A. Between me and him?**

24 **Q. Well, the group. The third time that he**
 25 **had come back into the dining room.**

1 **A. I'd say approximately 20 minutes.**

2 **Q. And after he left, what did you and the**
 3 **other women do?**

4 **A. Left, went to our rooms.**

5 **Q. Did you notice the demeanor of Liz Neuman**
 6 **before she left for her room?**

7 **A. Yes.**

8 **Q. Describe for the jury what her demeanor**
 9 **was at that point.**

10 **A. Sad, disappointed, insecure.**

11 MS. DO: Objection, Your Honor. That's all
 12 speculation. Move to strike.

13 THE COURT: Sustained.

14 **Q. BY MS. POLK: What physically did you**
 15 **observe about Liz Neuman?**

16 **A. Teary eyed.**

17 **Q. Ms. Haley, as part of the training for**
 18 **the Dream Team members, was there any training that**
 19 **involved how Dream Team members could lodge**
 20 **grievances with Mr. Ray or the organization?**

21 **A. To go and talk to him directly, which is**
 22 **what we did.**

23 **Q. The -- that was Wednesday night we were**
 24 **just talking about?**

25 **A. Right.**

- 1 Q. Did Dream Team members have to stay up
2 Wednesday night, or did you get to sleep?
- 3 A. **We got to sleep.**
- 4 Q. What time did you all get up or what time
5 was a Dream Team member, such as yourself, expected
6 to get up on Thursday morning?
- 7 A. **I'm not exactly sure, but it was around
8 6:00 or 7:00, depending how much time you wanted to
9 get ready.**
- 10 Q. Who picked up the participants from the
11 Vision Quest on Wednesday morning?
- 12 A. **Dream Team members.**
- 13 Q. You included?
- 14 A. **Me included.**
- 15 Q. Do you recall about what time you picked
16 up participants?
- 17 A. **Approximately 7:00 or 8:00.**
- 18 Q. What did you do with them once you picked
19 them up?
- 20 A. **Brought them out of the wilderness, back
21 to their rooms, their area.**
- 22 Q. Did you get a briefing on that Thursday
23 morning about the expectations of Dream Team
24 members for Thursday?
- 25 A. **No. Excuse me. Could you ask that**

- 1 **question again.**
- 2 Q. On Thursday morning -- you talked earlier
3 about --
- 4 A. **Right. Okay. No.**
- 5 Q. -- how Dream Team members would get
6 briefed on or trained on an as-needed basis.
- 7 Did you get trained on Thursday morning?
- 8 A. **Not before we picked them up.**
- 9 Q. After you picked up participants, did you
10 get trained or briefed?
- 11 A. **We got briefed.**
- 12 Q. Who briefed you?
- 13 A. **James Ray and Megan and Josh, two
14 different times.**
- 15 Q. Do you recall what the training or the
16 briefing was about on that Thursday morning?
- 17 A. **Or afternoon.**
- 18 Q. How many briefings did you have on
19 Thursday?
- 20 A. **Two.**
- 21 Q. When were they?
- 22 A. **They were in the afternoon.**
- 23 Q. Both in the afternoon?
- 24 A. **Early, one early afternoon, breakfast
25 time.**

- 1 Q. Go through a time line for us, then, on
2 Thursday. What happened after you had picked up
3 participants from the Vision Quest?
- 4 A. **Picked up the participants. They got to
5 go take a shower, go eat breakfast and then go to
6 the classroom. So we get the Dream Team members --
7 I mean the participants -- and during breakfast we
8 had a meeting with Josh and Megan.**
- 9 Q. What was the purpose of that meeting?
- 10 A. **To talk about what happened, is there any
11 problems, how is everything going, what we had
12 next. But not really prepping, just checking in.**
- 13 Q. When did you know, Ms. Haley, that the
14 sweat lodge was coming?
- 15 A. **I knew the whole time.**
- 16 Q. When did you know the timing, though?
- 17 A. **When he told everybody in the room.**
- 18 Q. So tell the jury when that was.
- 19 A. **The sweat started around 2:00 o'clock.**
- 20 Q. What happened in the room prior to the
21 sweat lodge?
- 22 A. **We had open mic, which you heard. And he
23 describes what was next, because they didn't know.
24 They thought it was over. And he's, like -- you
25 know -- you got one last thing.**

- 1 Q. Did you have more than one open-mic
2 session during the week of the Spiritual Warrior
3 seminar?
- 4 A. **Yes.**
- 5 Q. Just describe generally for the jury what
6 the open-mic session is.
- 7 A. **People to be able to ask questions, raise
8 their hand and have the questions and work with
9 James personally, then in front of everybody.**
- 10 Q. Did the open-mic sessions occur with all
11 of the 50 -- the 50 or so participants?
- 12 A. **Yes.**
- 13 Q. Was there physically a mic in the room --
14 a microphone?
- 15 A. **Yes.**
- 16 Q. From the open-mic session, was there any
17 sort of break before there was a briefing about the
18 sweat lodge ceremony coming up?
- 19 A. **For the participants. They went to
20 change their clothes. Is that a break?**
- 21 Q. Mr. Ray talked to them about the sweat
22 lodge before they went to change their clothes?
- 23 A. **Right.**
- 24 Q. Where were you during that conversation?
- 25 A. **In the room.**

- 1 Q. Did you ever receive training as a Dream
2 Team member about what to do for Mr. Ray's sweat
3 lodge ceremony?
4 A. **James Ray gave about 10 minutes.**
5 Q. When did that occur?
6 A. **Right before.**
7 Q. Where?
8 A. **In the classroom.**
9 Q. Where were the participants?
10 A. **Getting changed.**
11 Q. Was there lunch that day?
12 A. **Yes -- no. I don't remember.**
13 Q. About what time was it that you and the
14 other Dream Team members received some training
15 from Mr. Ray about the sweat lodge ceremony?
16 A. **Could you repeat the question.**
17 Q. About what time was it that you and the
18 other Dream Team members had training with Mr. Ray
19 about what you were supposed to do during his sweat
20 lodge ceremony?
21 A. **About 10 to 2:00.**
22 Q. That occurred in the same classroom?
23 A. **Yes.**
24 Q. Did you receive any other training?
25 A. **For the sweat lodge?**

- 1 Q. Yes.
2 A. **No.**
3 Q. What did Mr. Ray tell you and the other
4 Dream Team members about your training? What did
5 you learn?
6 A. **To expect that anything could happen.**
7 **There could be throwing up. Be expected that some**
8 **people could get delirious and throwing up.**
9 **Anything could happen. It could get a little**
10 **crazy, to expect it. It's normal.**
11 Q. It was normal?
12 A. **It was normal.**
13 Q. Were you given instruction about what to
14 do with somebody who was delirious?
15 A. **To cool them down. That's it.**
16 Q. Who told you that?
17 A. **James Ray.**
18 Q. Was there any discussion about people who
19 might become unconscious?
20 A. **No.**
21 Q. What did you understand that your
22 responsibilities would be, Ms. Haley, for people
23 inside the sweat lodge?
24 A. **Repeat that, please.**
25 Q. What did you understand your

- 1 responsibilities as a Dream Team member would be
2 during Mr. Ray's sweat lodge ceremony?
3 A. **Well, my responsibility myself as a Dream**
4 **Team member was outside the sweat lodge.**
5 Q. When did that get decided?
6 A. **During that 10 minutes. Who was going**
7 **where.**
8 Q. How was it decided what Dream Team member
9 was going where?
10 A. **James Ray asked who wanted to go in.**
11 Q. What did you say or volunteer for?
12 A. **I said I want to be the hose girl. I'm**
13 **not going in.**
14 Q. Do you recall who was assigned to the
15 inside of Mr. Ray's sweat lodge?
16 A. **Liz Neuman and Aaron and Mark Rock.**
17 Q. Was there discussion from Mr. Ray about
18 what the people inside -- what the Dream Team
19 members inside the sweat lodge were supposed to do?
20 A. **No. Just what to expect.**
21 Q. And what was that?
22 A. **That it could get crazy and that there**
23 **could be some delirious stuff and people may say**
24 **things that don't make sense. And he did instruct**
25 **to keep -- for the people to stay away from the**

- 1 **rocks.**
2 Q. Did Mr. Ray ever tell the Dream Team
3 members who were assigned to the inside of his
4 sweat lodge what they as Dream Team members were
5 supposed to do during his ceremony?
6 A. **That was it.**
7 Q. For the Dream Team members who had an
8 assignment outside, such as yourself, what were you
9 told to do?
10 A. **Hold sacred space.**
11 Q. What did that mean?
12 A. **Keep your heart and your spirit with the**
13 **people in there, to have the intentions for them to**
14 **receive what they wanted to receive, and just hold**
15 **the light. And we were supposed to help make them**
16 **comfortable as soon as they decided to come out.**
17 Q. Did they tell you -- did Mr. Ray tell you
18 how to make people comfortable when they came out?
19 A. **Cool them off.**
20 Q. Were you ever given any instruction on
21 what to do if anybody were sick?
22 A. **Let them throw up. There was water.**
23 **Give them water, rinse them off.**
24 Q. Were you ever told what to do for
25 somebody who appeared to be delirious?

1 **A. Keep them sitting down.**

2 **Q.** Did anybody ever discuss with you signs
3 and symptoms of a participant that might need
4 medical intervention?

5 **A. No.**

6 **Q.** Were you told, Ms. Haley, what the
7 purpose of Mr. Ray's sweat lodge ceremony was?

8 **A. Was to push your boundaries, that**
9 **anything big you wanted to attain you were going to**
10 **hit obstacles in your life and to overcome them.**
11 **You need to break through discomforts.**

12 **And so as a metaphor really on the**
13 **obstacles that you were going to hit in your life**
14 **and seeing through and getting it was related to**
15 **staying in the sweat lodge and going through the**
16 **obstacles that you went through in there.**

17 **Q.** Why did you choose a place outside the
18 sweat lodge?

19 **A. Because when I was a participant in 2007,**
20 **I realized it was dangerous.**

21 **Q.** Let's talk about 2007. Where were you in
22 2007?

23 **A. I was at Spiritual Warrior.**

24 **Q.** In?

25 **A. Sedona.**

1 **Q.** At Angel Valley Retreat Center?

2 **A. At Angel Valley.**

3 **Q.** Were you a participant at that time?

4 **A. Yes, I was.**

5 **Q.** Do you recall how much you paid to
6 participate?

7 **A. I got a deal, around 7,500.**

8 **Q.** As a participant in 2007, did you
9 participate in the entire Spiritual Warrior
10 seminar?

11 **A. Yes.**

12 **Q.** And, again, you were a Dream Team member
13 in 2009?

14 **A. Yes.**

15 **Q.** Were the events of the week similar in
16 2007 to 2009?

17 **A. They were similar. Yes.**

18 **Q.** And as a participant in 2007, did you
19 know that a sweat lodge was coming?

20 **A. No.**

21 **Q.** How did you learn in 2007 that a sweat
22 lodge was coming?

23 **A. Right before it came.**

24 **Q.** Was there a briefing in 2007 from Mr. Ray
25 about what to expect?

1 **A. Same thing.**

2 **Q.** Pardon me?

3 **A. The same that we got on the recordings.**

4 **Q.** About the same things were said?

5 **A. Yes.**

6 **Q.** Did you go into the sweat lodge in 2007?

7 **A. Yes.**

8 **Q.** And tell the jury what happened to you.

9 What did you do inside?

10 **A. What did I do? I stayed four rounds,**
11 **felt like I was going to die, came out, fell on the**
12 **ground, got hosed off, started screaming, crying**
13 **because I felt all my dreams weren't going to come**
14 **true.**

15 **He then asked every round did somebody**
16 **want to come back in. As they were putting hot**
17 **rocks in, he called out, does anybody want to come**
18 **back in?**

19 **And I screamed and cried and went back**
20 **in. Then I screamed and cried and went back in for**
21 **four more rounds, until I had liquid just coming**
22 **out of my nose.**

23 **I could barely cry. I couldn't walk. I**
24 **crawled out, fell on the ground, got cooled off.**

25 **And he asked if somebody else wanted to come in,**

1 **and the person hosing me said, no.**

2 **And I got up, and I crawled back in. And**
3 **he said, that's it. And he went four more rounds.**

4 **Q.** And what do you mean that's it? And he
5 is Mr. Ray?

6 **A. James Ray said to me, that's it.**

7 **Q.** That's it in terms of what?

8 **A. Leaving.**

9 **Q.** Why -- Ms. Haley, you just said that you
10 screamed and cried after you came out after the
11 fourth round because you thought your dreams would
12 not come true. Why?

13 **A. Because I felt that I didn't succeed on**
14 **pressing my threshold.**

15 **He told us that we were going to feel**
16 **like we were going to die. Our skin would feel**
17 **like it was going to come off. But we were more**
18 **than that. I felt all that stuff, and then I -- I**
19 **felt like I folded.**

20 **Q.** What does sticking it out in a sweat
21 lodge have to do with realizing your dreams in the
22 outside world?

23 **A. The metaphor was things are going to be**
24 **hard when it is you're trying to fulfill your**
25 **dreams. Things are going to get hard. Are you**

1 **going to persevere or are you going to fall out?**

2 **Q.** You stayed in a few more rounds after the
3 second time you went back in?

4 **A.** **I stayed until finished, four more**
5 **rounds.**

6 **Q.** When it was over, how did you feel?

7 **A.** **I was okay.**

8 **Q.** How did you get out when it was over?

9 **A.** **I crawled out. And I was back up in no**
10 **time.**

11 **Q.** In 2007, Ms. Haley, did you have the
12 opportunity to observe other participants inside
13 Mr. Ray's sweat lodge ceremony?

14 **A.** **Yes.**

15 **Q.** Tell the jury what you observed.

16 **A.** **It was really hot and people were laying**
17 **on each other, and I -- you know -- my focus ended**
18 **up on Hermia at the end of the sweat lodge. She**
19 **stayed in the whole time.**

20 **Q.** Hermia was another participant?

21 **A.** **Yes.**

22 **Q.** Why was your focus on Hermia?

23 **A.** **Because she was so little. She was**
24 **sticking it out. She was -- you know -- moaning,**
25 **and I felt like I wanted to support her and tell**

1 **her she was doing good. Except that at the end she**
2 **was unconscious when it was over.**

3 **Q.** What about Hermia made you say she was
4 unconscious when it was over?

5 **A.** **Because Sandy, who is a Dream Team**
6 **member, and me helped carry her to a golf cart.**
7 **And it was dead weight. And she's only, like, 110**
8 **pounds, and Sandy is 6 foot 2. He's a good size**
9 **guy, 6-1, and we had a hard time moving this**
10 **110-pound, nothing girl.**

11 **Q.** Where did you find her, first?

12 **A.** **She was still in the sweat lodge. We**
13 **pulled her out.**

14 **Q.** You personally pulled her out?

15 **A.** **Sandy pulled her out, and then I jumped**
16 **in to help.**

17 **Q.** Why you? Why did you jump in to help?

18 **A.** **I just did because I could and he let me.**
19 **And he looked like he needed help, and nobody else**
20 **was going to help.**

21 **Q.** Do you recall Hermia's last name?

22 **A.** **I believe it's Nelson.**

23 **Q.** What did you do, then, after you and
24 Sandy got Hermia on the golf cart?

25 **A.** **We then -- he took us to the shower and**

1 **sat her in a shower while she's limp, eyes closed,**
2 **not responsive. And I'm saying we need to take her**
3 **to the hospital, and he looks annoyed.**

4 **I go, just stay right here. I'll be**
5 **right back. Because somebody needed to do**
6 **something.**

7 **I ran up the dirt road to the dining hall**
8 **and got an orange and I cut it up in pieces. And I**
9 **ran back, and I got in the shower with her. I**
10 **opened her mouth. I started squeezing the orange**
11 **in there thinking, I don't know, blood sugar. I**
12 **don't know what's wrong with her.**

13 **I just sat with her. And it took her a**
14 **while to be able to talk. And it took two hours**
15 **before she could walk away.**

16 **Q.** Where did you sit with Hermia?

17 **A.** **I sat in the shower with her for probably**
18 **30 to 45 minutes and then got some help. And we**
19 **moved her to the bathtub in the dining hall. And**
20 **then I just sat with her.**

21 **And then Dr. Lynn, who was another**
22 **participant -- he came in the bathroom with me to**
23 **sit with her as she became a little bit more**
24 **conscious. I'm putting salts in. I don't know**
25 **what to do. I just sat. She just seemed to --**

1 **Q.** Did you later hear Mr. Ray make a comment
2 about Hermia's experience in the sweat lodge?

3 **A.** **We had classroom probably an hour after**
4 **Hermia's walking, so a few hours later. And she**
5 **came in the classroom a little late. And when she**
6 **did, he brought up Hermia and her dedication.**

7 **And she got kudos, and we all looked up**
8 **to her.**

9 **Q.** What do you mean Hermia got kudos?

10 **A.** **You know, she saw through it. She stayed**
11 **in. She's committed. She had what it took.**

12 **I was all there with her going, damn, all**
13 **her dreams are going to come true. I don't know**
14 **about me.**

15 **But I still think she should have gone to**
16 **the hospital.**

17 **Q.** Did you observe any -- have the
18 opportunity to observe anybody else outside the
19 sweat lodge in 2007 -- Mr. Ray's sweat lodge?

20 **A.** **Can you repeat that, please?**

21 **Q.** Did you have -- in 2007 when Mr. Ray
22 finished his sweat lodge ceremony, did you observe
23 any other participants outside the sweat lodge?

24 **A.** **Yes.**

25 **Q.** Tell the jury what you observed.

1 **A. This is when it was over; right?**
 2 **Q.** Yes. When it was over.
 3 **A. James standing and he was talking to some**
 4 **people. Like Erica Levy was there. And he's,**
 5 **like, he gave her some kudos. She was the bomb or**
 6 **something like that that implied that.**
 7 **She was doing good. So he was drinking**
 8 **water and talking to certain participants.**
 9 **Q.** Did you observe any other participants on
 10 the ground?
 11 MS. DO: Objection. Leading, Your Honor.
 12 THE COURT: Sustained.
 13 **Q.** BY MS. POLK: How soon, Ms. Haley, after
 14 you came out of the sweat lodge did you tend to
 15 Hermia?
 16 **A. Probably within five minutes.**
 17 **Q.** And how long were you at the scene
 18 outside the sweat lodge in 2007?
 19 **A. About five minutes.**
 20 **Q.** Before you left?
 21 **A. Right.**
 22 **Q.** Before you left did you make any
 23 observations about other participants outside the
 24 sweat lodge?
 25 MS. DO: Objection. Asked and answered, Your

1 Honor.
 2 THE COURT: Pardon me?
 3 MS. DO: Asked and answered.
 4 THE COURT: Overruled.
 5 THE WITNESS: Yes. I noticed other people.
 6 **Q.** BY MS. POLK: What specifically did you
 7 notice in other participants?
 8 **A. Well, some that James Ray was talking to**
 9 **and some people were up. But once I focused on**
 10 **Hermia, I cut out everything else. So I'm not**
 11 **aware of what was going on after that.**
 12 MS. POLK: Your Honor, do you want to stop?
 13 THE COURT: Yes. Could we please take a
 14 mid-morning break?
 15 Ladies and gentlemen, please remember the
 16 admonition and be reassembled in 10 minutes. We'll
 17 start as soon as we can after that.
 18 (Recess.)
 19 THE COURT: The record will show the presence
 20 of the defendant, Mr. Ray, the attorneys, and the
 21 jury. Ms. Haley has returned to the witness stand.
 22 Ms. Polk.
 23 **Q.** BY MS. POLK: Ms. Haley, in 2007 when you
 24 helped with Hermia Nelson as Hermia was being taken
 25 out of --

1 MS. DO: Your Honor, we request to approach.
 2 We had asked for a break. The message didn't get
 3 through to the Court.
 4 THE COURT: We can do that.
 5 (Sidebar conference.)
 6 MS. DO: Sorry, Your Honor. We wanted a
 7 break. It didn't get to the relay.
 8 THE COURT: The jury was standing there after
 9 15 minutes. I said 10. They were already there.
 10 What's the issue?
 11 MS. DO: Your Honor, we've established an
 12 extensive record regarding the defense objection to
 13 the prior sweat lodge to the Court this morning,
 14 made very clear what it was not admissible for.
 15 I would start with the fact the
 16 prosecutor asked Ms. Haley and led her into,
 17 basically, that it was dangerous. Now we're into
 18 propensity evidence.
 19 We're dealing with the exact same
 20 prejudicial effects that we had -- you know --
 21 briefed extensively on the record with the Court.
 22 We don't want to be put in a position of making
 23 these objections in front of the jury causing the
 24 jury to think there's something we're trying to
 25 hide.

1 We'd ask for not in the presence of the
 2 jury so that we can discuss this issue more
 3 extensively with the Court than at the bench.
 4 THE COURT: Ms. Polk?
 5 MS. POLK: Your Honor, I disagree. I've been
 6 very careful with this witness, to ask her
 7 specifically what she observed.
 8 And I believe that I don't think we need
 9 to go into the argument of causation. What
 10 happened in 2007 is relevant to the issue of
 11 causation.
 12 I've been very careful with her to avoid
 13 descriptions about generality and just specifically
 14 what she observed. And I have two more questions
 15 of her on this, which is, where was Mr. Ray when
 16 Hermia was brought out of the tent and where was
 17 Mr. Ray when she was helping put Hermia -- or three
 18 questions. Where was Mr. Ray, essentially, with
 19 respect to Hermia?
 20 THE COURT: I don't understand that those
 21 questions would have to do with the causation.
 22 I've talked about conditional administration for
 23 causation depending on what experts say.
 24 Could be an issue if it's not tied up.
 25 What would the causation issue be? How would those

1 questions regarding Mr. Ray's knowledge and some of
2 that has already come in without objection -- how
3 would that relate to the causation?

4 MS. POLK: Because it goes to his knowledge
5 that there have been issues in the past and his
6 knowledge that the issues are arising from the heat
7 as opposed to some unrelated event.

8 MS. DO: Judge, that is the basis of our
9 404(b), three days of evidentiary hearing, the
10 Court's very thoughtful ruling. It was not
11 admitted, I believe, for that purpose.

12 At this point the defense is going to
13 move for a mistrial.

14 We do want to request a full hearing on
15 this issue outside of the presence of the jury.

16 THE COURT: Ms. Polk?

17 MS. POLK: Your Honor, there is no basis for a
18 mistrial. Again, the state has very carefully
19 followed the Court's guidance with respect to
20 asking what specifically she observed. And that's
21 what this witness has testified to about 2007 -- is
22 what she observed. And, very clearly, it goes to
23 the issue of causation.

24 THE COURT: The motion for mistrial is denied.
25 However, the causation issue has to do with what

1 kind of effects people experienced in other sweat
2 lodges. And I don't see the connection now with
3 Mr. Ray's knowledge.

4 So those questions would be objectionable
5 for the causation reason that's been advanced. So
6 I'm just telling you those would be objections that
7 would be sustained on that.

8 MS. POLK: I'll move on, then, Your Honor.

9 MR. KELLY: I have a second issue. My
10 partner, Luis Li, was assaulted as he left the
11 courtroom by someone from the victim's side.
12 And -- you know -- we're entitled to try this case
13 without fear of any type of repercussions from the
14 victims. It was a young male with a sweater on.

15 THE COURT: Is he here?

16 MR. KELLY: I don't think he's in the
17 courtroom right now. I don't know whether we need
18 some security in here. I know we had cautionary
19 last week. He was informed in the back as he
20 walked out at the break.

21 THE COURT: Ms. Rybar knows of this. That's
22 what I thought was going to be mentioned to me.
23 And I was going to take that up before we broke for
24 lunch.

25 MR. KELLY: I'm advising the Court as to what

1 happened. We tried to do this out of the presence
2 of the jury. So for that we apologize.

3 I don't think Ms. Polk knows.

4 MS. POLK: I was briefed about it by our
5 victim services advocate. The young man is, I
6 think, the cousin of Kirby Brown. And she talked
7 to him about it.

8 He said he was just trying to get out of
9 the courtroom before the defense team did. If
10 there was that contact, it was inadvertent. That's
11 all I know.

12 THE COURT: I'll address this further before
13 we break.

14 MS. POLK: Thank you.

15 MS. DO: Thank you.

16 (End of sidebar conference.)

17 THE COURT: Ms. Polk?

18 MS. POLK: Thank you, Your Honor.

19 At this time, Your Honor, I would like to
20 play Exhibit 743. The Court had admitted it
21 earlier, and I believe I've worked out the
22 technical difficulty.

23 THE COURT: I do want to read the instruction
24 that applies to this item.

25 This is a legal instruction. I'm going

1 to repeat that.

2 Ladies and gentlemen, the rules of
3 evidence provide that some evidence can be
4 considered only for a limited purpose.

5 You are about to hear a statement that
6 was made and recorded outside the courtroom. This
7 statement is subject to the rule of hearsay and
8 cannot be considered for its truth.

9 What that means is that we do not know
10 whether the statement is true or whether the
11 speaker really engaged in any of the actions she
12 describes.

13 For that reason, you may not consider the
14 statement as evidence of what the speaker actually
15 did or believed.

16 The only purpose you may consider the
17 evidence for is for what effect, if any, the
18 statement may have had on a listener.

19 Q. BY MS. POLK: Ms. Haley, this statement
20 took place -- you told us -- at an open-mic
21 session?

22 A. Yes.

23 Q. How long before entering -- how long
24 before the participants entered the sweat lodge did
25 this open-mic session occur?

1 **A. It would be between after breakfast and**
 2 **lunch, the sweat lodge.**
 3 **Q.** And tell the jury who it is who is
 4 speaking on this clip. Do you recall?
 5 **A. Kirby Brown.**
 6 THE COURT: The number again, Ms. Polk?
 7 MS. POLK: 743, Your Honor.
 8 (Exhibit 743 is played.)
 9 **Q.** BY MS. POLK: Ms. Haley, let's talk now
 10 about Mr. Ray's sweat lodge ceremony. Where did
 11 everybody gather?
 12 **A. For the sweat lodge?**
 13 **Q.** Yes.
 14 **A. At a tent that was in a dirt area at**
 15 **Angel Valley.**
 16 **Q.** And I'm going to put up on the overhead
 17 Exhibit 144.
 18 Does that photograph look familiar to
 19 you?
 20 **A. Yes.**
 21 **Q.** Before going into the sweat lodge, where
 22 did everybody gather first?
 23 **A. Next to the tent. We had a fire and we**
 24 **made a circle, and they threw their papers in that**
 25 **they had been writing on.**

1 **Q.** Let me put up on the overhead
 2 Exhibit 145.
 3 Is this the fire you're referring to?
 4 **A. Yes.**
 5 **Q.** After the participants threw papers in
 6 the fire, what happened?
 7 **A. They got in line to go in the sweat**
 8 **lodge.**
 9 **Q.** Was there a -- something called a
 10 "saging"?
 11 **A. Yes. We did the saging before they went**
 12 **to the circle and the sweat lodge.**
 13 **They were in line to get saged, and then**
 14 **we had the circle and they threw their paperwork**
 15 **in. And then they got in line to go in the sweat**
 16 **lodge.**
 17 **Q.** Tell the jury what the saging was.
 18 **A. Clearing energies. It's a burning of --**
 19 **I don't really know what it's made of, but it's**
 20 **like an herb that you cleanse energy. And you put**
 21 **the smoke around the body, and it's supposed to**
 22 **clear the energy around.**
 23 **Q.** Did you do the saging?
 24 **A. I did some of the saging.**
 25 **Q.** What was in your hand when you were doing

1 the saging?
 2 **A. The sage.**
 3 **Q.** Where did you get the sage from?
 4 **A. Somebody handed it to me -- another Dream**
 5 **Team member.**
 6 **Q.** It was burning?
 7 **A. They let it. Yes.**
 8 **Q.** When were you told what you were supposed
 9 to do with respect to the saging?
 10 **A. We were told we were going to sage in the**
 11 **classroom and how to do it in the classroom.**
 12 **Q.** And specifically what did you do with
 13 your sage?
 14 **A. We put it around their body, around their**
 15 **legs, and outlined the body with the sage.**
 16 **Q.** Touching them?
 17 **A. No. Just all around their body, having**
 18 **their legs apart, and so you could just frame their**
 19 **whole bodies with the smoke.**
 20 **Q.** After you saged participants, where did
 21 they go?
 22 **A. They went to the circle.**
 23 **Q.** Where did you go?
 24 **A. I then went to the circle.**
 25 **Q.** After the circle participants did what?

1 **A. Got in line to get in the sweat lodge.**
 2 **Q.** I'll put back up on the overhead
 3 Exhibit 144.
 4 Is that what you're referring to?
 5 **A. Yes.**
 6 **Q.** Where did you go, Ms. Haley, when they
 7 were lining up to go inside the sweat lodge?
 8 **A. I was right there, just keeping them in**
 9 **line. And if there was any questions, I was there**
 10 **to answer for support, anything.**
 11 **Q.** Once participants went inside the sweat
 12 lodge, where did you go?
 13 **A. Right next to the tent. All the Dream**
 14 **Team members went around the tent to hold sacred**
 15 **space.**
 16 **Q.** And what is that?
 17 **A. Well, we did it by using our hands like**
 18 **this and just putting positive energy inside the**
 19 **tent.**
 20 **Q.** How long did you do that for?
 21 **A. Until the first round ended.**
 22 **Q.** Okay. What happened at the end of the
 23 first round?
 24 **A. Some people came out.**
 25 **Q.** Do you recall about how many came out?

1 **A. A couple.**
 2 **Q. Did you pay attention to those who came**
 3 **out after the first round?**
 4 **A. I remember specifically one of them.**
 5 **Q. What do you remember about one**
 6 **participant?**
 7 **A. She was female. And I went to hose her**
 8 **off, and I was stopped by Marta Reis saying, don't**
 9 **do it right away.**
 10 **Q. Did Marta tell you why?**
 11 **A. No.**
 12 **Q. What did you do?**
 13 **A. I waited until she turned her head and**
 14 **put the hose on.**
 15 **Q. What did you observe about the first**
 16 **participant who came out that made you want to hose**
 17 **them off?**
 18 **A. They were laying there hot. And I know**
 19 **what it feels like in there.**
 20 **Q. Did you hear Mr. Ray say anything to**
 21 **participants who came out after the first round?**
 22 **A. Yes. He'd ask if they wanted to come**
 23 **back in.**
 24 **Q. And what happened?**
 25 **A. Some people did, some people didn't.**

1 **But I remember the first one because he**
 2 **called her by name. I don't remember her name.**
 3 **She's engaged. And he called her by name, asking**
 4 **her if she wanted to come back in because she left**
 5 **the first round. And then by the third round, he**
 6 **said, your fiance needs you.**
 7 **And she walked toward the sweat lodge to**
 8 **go back in because she wanted to be there for her**
 9 **fiance. As she started to go in, she then came**
 10 **back and went, no, and started to exit just as she**
 11 **was entering.**
 12 **And Marta held her arm right there, and**
 13 **James was talking to her, asking her to come in.**
 14 **Q. James Ray?**
 15 **A. James Ray.**
 16 **Q. What was he saying to her as she was --**
 17 **where was she when Marta was holding her arm?**
 18 **A. Right at the door.**
 19 **Q. To the tent?**
 20 **A. Yes.**
 21 **Q. Do you recall what Mr. Ray said to that**
 22 **woman?**
 23 **A. Not -- not specifically. But I know it**
 24 **was asking her to come back in. That is what he'd**
 25 **been doing.**

1 **Q. What did the woman do?**
 2 **A. She was pulling away from Marta**
 3 **physically -- didn't -- to get away. And she said,**
 4 **no. And she finally pulled away, and she didn't go**
 5 **back in.**
 6 **Q. Do you know where she went after that?**
 7 **A. Yes. She sat down over on the plastic**
 8 **and stayed there.**
 9 **Q. Did you observe anything else around**
 10 **round 3?**
 11 **A. There was more people out. There was**
 12 **more going on. And, I believe, Dennis -- I don't**
 13 **know his last name -- came out third or fourth**
 14 **round and started throwing up.**
 15 **Q. What did you do, if anything, or what**
 16 **drew your attention to Dennis?**
 17 **A. He came out throwing up a lot all over**
 18 **the plastic and all over everybody else that was**
 19 **laying on the plastic.**
 20 **So I was trying to clean it up, hose him**
 21 **off, hose everybody off, keep giving them water,**
 22 **trying to hand glasses of water.**
 23 **I had to stay with him for a little**
 24 **while.**
 25 **Q. Tell the jury what else you observed**

1 about Dennis.
 2 **A. He stayed in that state approximately 20**
 3 **to 30 minutes.**
 4 **Q. What state?**
 5 **A. Of throwing up, being sick. And then he**
 6 **wanted to sit down. And I told him to sit there**
 7 **just on the ground. And then two people helped him**
 8 **up on a chair.**
 9 **And I'm hosing other people off. I got**
 10 **my back to him, and as time went on I think he's**
 11 **good now. It's been a while.**
 12 **He starts -- Dennis starts screaming, I**
 13 **don't want to die. I don't want to die. I mean,**
 14 **as loud as you -- I've ever heard anybody scream,**
 15 **my heart, I don't want to die.**
 16 **And two people, I believe it was Lisa and**
 17 **Barbara. I'm not sure. I know Lisa but I don't**
 18 **know if it was Barbara or Christine. They came but**
 19 **they were at the front of him. I seen him. He's**
 20 **on the floor. He's sitting.**
 21 **MS. DO: Your Honor, I'm going to object to**
 22 **the narrative.**
 23 **THE COURT: Overruled.**
 24 **THE WITNESS: So I went over to him also.**
 25 **James Ray is yelling outside the tent to**

1 Dennis that he's going to be okay and everybody is
2 okay. And the two girls are over his face, and
3 they're saying he's going to be okay.

4 He continually is screaming for -- it
5 seemed about five to ten minutes -- that he didn't
6 want to die and his heart, his heart.

7 And I got goose bumps. And I didn't see
8 what --

9 Q. BY MS. POLK: And you believed he was
10 what?

11 A. That his heart, that he was having a
12 health problem. I believed him.

13 So I heard Lisa say he's
14 hyperventilating. And I'm a breath facilitator.
15 So I put my hands on the bottom of his stomach to
16 bring his breath down, to slow it down. And he
17 seemed to have heart failure. Everything went
18 limp. He didn't seem to breathe.

19 MS. DO: Objection.

20 THE COURT: Sustained.

21 Q. BY MS. POLK: Let me ask you a question.
22 After you put your hands on Dennis's stomach, what
23 happened next? What did you see Dennis do? What
24 did you observe?

25 A. Went limp, not breathing.

1 Q. Stopped breathing?

2 A. Yes.

3 Q. What did you do?

4 A. I wasn't in front of him, and it was
5 fast. Nothing was done. And then all of a sudden
6 he was back.

7 And he goes, am I dead? Am I here? Am I
8 dead? Am I back?

9 And they left because they saw he was
10 okay. And I went up to him, to his face, and I
11 said, you're alive. You're good.

12 And he then had a smile on his face,
13 going, I'm back. I'm alive.

14 I said, you're alive. You're good.

15 And he looked refreshed and transformed,
16 and life was beautiful.

17 Q. You said while Dennis was screaming, you
18 heard Mr. Ray say something. Where was Mr. Ray
19 when you heard him say something to Dennis?

20 A. He was in the sweat lodge.

21 Q. Was the door open or closed?

22 A. Closed.

23 Q. How close to the sweat lodge was Dennis
24 when Mr. Ray said something?

25 A. From where you see the tent and where you

1 see the roof

2 Q. Let me stop you. You can press on the
3 screen itself and leave marks.

4 A. Around here.

5 Q. That's where Dennis was?

6 A. Yup. He was around there.

7 Q. What did you hear Mr. Ray say?

8 A. You're going to be okay. You're okay.

9 Q. Did Mr. Ray come over and check up on
10 Dennis when he said that?

11 A. No.

12 Q. Where was he when he said that?

13 A. He was in the sweat lodge, closed.

14 Q. Had he come out of the sweat lodge at all
15 to check up on Dennis?

16 A. No.

17 Q. Did the ceremony end at that point with
18 Dennis's issue?

19 A. No.

20 Q. What happened?

21 A. Well, that was just another crazy thing
22 in the mix.

23 MS. DO: Objection, Your Honor. Motion to
24 strike.

25 THE COURT: Sustained and granted. The last

1 remark is stricken.

2 Q. BY MS. POLK: Did you observe any other
3 participants around the time that you observed what
4 happened to Dennis?

5 A. Yes.

6 Q. What else did you observe specifically?

7 A. Somebody -- Lou Caci burned himself on
8 the rocks. They were getting the other Dream Team
9 members -- the people --

10 Q. Let me have you talk about one thing at a
11 time.

12 A. Okay.

13 Q. Did you know someone named Lou Caci from
14 the events of the week?

15 A. Yes.

16 Q. And what was it that first brought your
17 attention to Lou Caci?

18 A. Was screaming in the sweat lodge that
19 they needed to get somebody out. They'd been
20 burned on the rocks.

21 Q. In terms of its relationship in time to
22 Dennis that you talked about, do you know?

23 A. Dennis's thing went on for over an hour,
24 like, between throwing up and whatever we want to
25 call it where he stopped breathing.

1 **So there's a good 45 minutes, an hour, in**
2 **there. There is other rounds going on.**

3 **Q.** And the statement -- you told the jury
4 about the statement that Mr. Ray made to Dennis
5 during that episode, and you said it lasted over an
6 hour.

7 At what point in time did Mr. Ray say to
8 Dennis, you're fine? Do you recall?

9 **A. It was about the fifth, sixth round.**

10 **Q.** Was it before or after you made your
11 observation that Dennis had stopped breathing?

12 **A. Before.**

13 **Q.** Now with respect to Lou Caci --

14 **A. Yes.**

15 **Q.** In terms of time, where was Dennis when
16 you heard conversation about Lou Caci?

17 **A. I believe Dennis was still laying on the**
18 **ground.**

19 **Q.** And you --

20 **A. I kept him there.**

21 **Q.** Okay. You then -- your attention was
22 drawn to Lou Caci. And what did you do?

23 **A. I sat him down.**

24 **Q.** How did he get out of the tent? How did
25 Lou get out of the tent?

1 **A. People were pulling him out. And I don't**
2 **know who it was. I also heard we need to get**
3 **somebody else out.**

4 **And I don't know if they did or they**
5 **didn't, but they pulled Lou out, hosed him off, sat**
6 **him down, looked at his hand. It looked like a cut**
7 **all the way across his hand, not like a real burn.**
8 **It was wide open. I didn't know if I should put**
9 **the hose, like, straight on it and it would hurt it**
10 **or what.**

11 **I thought he's hurt. He's not going to**
12 **be able to use his hands. I just put the hose**
13 **straight on the wound.**

14 **Q.** What was wide open?

15 **A. His wound, which was supposed to be a**
16 **burn. But it looked like a slice. And so I just**
17 **put the hose straight on and looked away because it**
18 **was burned. And I wanted it to stop burning so the**
19 **nerves would cool off. And then --**

20 **Q.** Before you put the hose on it, you got a
21 look at the wound?

22 **A. Yes.**

23 **Q.** And did you also look at Dennis's arm?

24 **A. Lou's arm.**

25 **Q.** I'm sorry. Lou's arm.

1 **A. Lou's hand?**

2 **Q.** Yes.

3 **A. I didn't see his arm.**

4 **Q.** How big of a wound on the hand was it
5 that you saw?

6 **A. It was all the way across.**

7 **Q.** Across the palm?

8 **A. Yes.**

9 **Q.** Could you see inside?

10 **A. Yes. It was deep.**

11 **Q.** Was anybody else beside you attending to
12 Lou?

13 **A. Lisa went and got a big bucket of ice and**
14 **water and put it down, and then he put his hand in**
15 **the bucket.**

16 **Q.** Had you had any training, Ms. Haley, to
17 deal with burns before you served as a Dream Team
18 member for this sweat lodge ceremony of Mr. Ray's?

19 **A. No.**

20 **Q.** How did you know what to do?

21 **A. I didn't.**

22 **Q.** Were you the first one to treat Lou's
23 hand?

24 **A. Yes.**

25 **Q.** And you said you -- tell us what you did.

1 **A. I put the hose water straight on the**
2 **wound.**

3 **Q.** What did Lou do? How did he react?

4 **A. I think he was numb. He didn't --**
5 **MS. DO: Objection. Calls for speculation.**
6 **THE COURT: Sustained.**

7 **Q.** BY MS. POLK: How long did you hose Lou's
8 hand?

9 **A. Probably a minute.**

10 **Q.** Did you hose the rest of Lou down, his
11 body?

12 **A. Yes.**

13 **Q.** How much time passed from the time you
14 hosed Lou's hand and an ice bucket with water was
15 brought?

16 **A. I would guess five minutes.**

17 **Q.** Were you with Lou the whole time?

18 **A. I couldn't be with anybody the whole**
19 **time. No.**

20 **Q.** Why couldn't you be with anybody the
21 whole time?

22 **A. Because there was too many people for me**
23 **to attend to, and I was the only one with the hose.**

24 **Q.** Did you have further observations with
25 respect to Lou?

1 **A. Yes. Lou was saying, I didn't do it. I**
2 **didn't do it.**

3 MS. DO: Objection, Your Honor. Calls for
4 hearsay, nonresponsive.

5 THE COURT: Overruled.

6 THE WITNESS: Lou said that he didn't do it.
7 He didn't do it. And felt he -- he was saying he
8 failed.

9 And I came up to him. I was hosing
10 somebody else off, and I ran over to him. And I
11 said, yes, you did. You did well. You're good.

12 **Q. BY MS. POLK: Why did you say that to**
13 **Lou?**

14 **A. Because he was --**

15 MS. DO: Objection, Your Honor. Relevance.

16 THE COURT: Ms. Polk?

17 MS. POLK: Your Honor, it's relevant to what
18 happens next. And it certainly is relevant to the
19 state of mind of that particular participant.

20 THE COURT: Overruled.

21 You may answer that.

22 THE WITNESS: Because he said he wanted to go
23 back in.

24 **Q. BY MS. POLK: And why was that a concern**
25 **to you, Ms. Haley?**

1 **A. Because he wasn't of right mind and he**
2 **was injured badly.**

3 **Q. What specifically did you observe about**
4 **Lou that makes you say he was not in his right**
5 **mind?**

6 **A. Well, I'm looking at his eyes, and**
7 **literally they don't look right, and he's not**
8 **observant of everything. He doesn't even know what**
9 **happened to him. He didn't -- he wasn't capable of**
10 **making a decision.**

11 MS. DO: Objection, Your Honor. Foundation,
12 speculation.

13 THE COURT: Sustained.

14 **Q. BY MS. POLK: You said to Lou --**

15 **A. You can't go back in. You're injured.**

16 **Q. And what happened next?**

17 **A. And I said that I saw him walking towards**
18 **the tent, and I stopped and screamed, Lou, you**
19 **can't go back in. You're injured.**

20 **Marta said, shut up. Let him have his**
21 **own experience.**

22 **Q. So what did you do?**

23 **A. So I thought he's James's friend. James**
24 **is not going to let him go in. And I had other**
25 **people to attend to, so I left it alone.**

1 **Q. James?**

2 **A. James Ray.**

3 **Q. Do you know if Lou went back in?**

4 **A. He went back in.**

5 **Q. During the time that Lou was outside with**
6 **his hand, did you observe Mr. Ray?**

7 **A. No.**

8 **Q. Did he come out?**

9 **A. No.**

10 **Q. Did he come out and check up on Lou?**

11 **A. No.**

12 **Q. Do you know when Lou went back in?**

13 **A. He went back in approximately two rounds,**
14 **which would be 20, 30 minutes.**

15 **Q. How long was Lou outside with his hand?**

16 **A. 20, 30 minutes.**

17 **Q. And to get back in, did participants have**
18 **to pass Mr. Ray?**

19 **A. Yes.**

20 **Q. Was Lou making noise when he came out**
21 **with the burned hand?**

22 **A. I didn't notice. No.**

23 **Q. Did you know a participant named Scott**
24 **Barratt?**

25 **A. Maybe by face. I don't know the name.**

1 **Q. Do you have any recollection of Scott**
2 **Barratt coming out of the sweat lodge?**

3 **A. I might if I saw his face. But I don't**
4 **know his name.**

5 **Q. Do you have a recollection of other**
6 **participants other than Lou and Dennis coming out**
7 **of the sweat lodge?**

8 **A. Yes.**

9 **Q. And what do you recollect?**

10 **A. I'm not understanding the question.**

11 **Q. Let me ask it a different way. Did you**
12 **take care of other participants other than Lou and**
13 **Dennis?**

14 **A. Yes.**

15 **Q. Who was the next person that you took**
16 **care of?**

17 **A. I took care of everybody that I could,**
18 **watering them down. I wasn't really paying**
19 **attention unless it was -- there was a big problem.**

20 **Q. Did you observe anybody else that you had**
21 **to pay special attention to due to a problem?**

22 **A. The first one was Josh.**

23 **Q. Who is Josh?**

24 **A. Josh Fredrickson, who two people dragged**
25 **out. His feet were being dragged, and they**

1 **dragged -- two Dream Team members dragged him to**
2 **the dirt.**

3 **And why I noticed that one is I got**
4 **scared because he'd done it before. And I knew**
5 **things must be getting bad. And the other was the**
6 **hose didn't reach him. I couldn't really hose him**
7 **off. So I took cups of water and put it on Josh**
8 **and then asked him how he felt. And he said he**
9 **felt great. And I gave him some water, and he said**
10 **it was like hotel service.**

11 **Q.** Remind the jury what Josh Fredrickson's
12 role is at James Ray International.

13 **A. Technical support and coordinator.**

14 **Q.** Do you know what his position inside the
15 sweat lodge was?

16 **A. Support.**

17 **Q.** Physical location inside the sweat lodge?

18 MS. DO: Objection, Your Honor. Foundation.

19 THE COURT: Overruled.

20 THE WITNESS: By the door.

21 **Q.** BY MS. POLK: And how do you know that
22 Josh Fredrickson was by the door?

23 **A. Because I saw when we started it that**
24 **James, Aaron, and Josh were by the door and Mark**
25 **Rock was at the end.**

1 **Q.** Do you know what round it was that you
2 saw Josh Fredrickson being dragged out of the sweat
3 lodge?

4 **A. I'm going to guess it was six.**

5 **Q.** Do you know if Josh Fredrickson went back
6 in?

7 **A. He did not.**

8 **Q.** Did you observe anything further about
9 Josh throughout the rest of the day?

10 **A. No.**

11 **Q.** From your position outside the sweat
12 lodge, Ms. Haley, could you hear conversation going
13 on inside?

14 **A. Sometimes.**

15 **Q.** What conversation did you hear from the
16 inside, coming from the inside?

17 **A. Chanting when the door was closed. I**
18 **could hear more when the door was open. I could**
19 **hear James screaming to Dennis.**

20 **Besides that I couldn't really hear**
21 **personal conversations in there.**

22 **Q.** Did you see anyone other than Josh
23 Fredrickson get dragged out of the sweat lodge?

24 **A. At the end there were a lot of people**
25 **being dragged out.**

1 **Q.** Before the end did you see anybody else
2 get dragged out?

3 **A. I don't recall at this moment.**

4 **Q.** Did you see any other -- before the
5 end -- did you see any -- make any observations
6 about other participants that concerned you?

7 **A. No.**

8 **Q.** With respect to participants that came
9 out, did you hear Mr. Ray say anything to them?

10 **A. Just to ask them if anyone wanted to come**
11 **back in.**

12 **Q.** What language specifically do you recall
13 Mr. Ray using when he was asking people to come
14 back in?

15 **A. Can you say that again, please?**

16 **Q.** What did you hear Mr. Ray say to
17 participants who had came out about going back
18 inside the sweat lodge?

19 **A. You can do it. Come back in. All things**
20 **that had to do with that, word for word I couldn't**
21 **tell you. But it was, word for word, come back in.**

22 **Q.** When would Mr. Ray say that?

23 **A. After they were out. That's when I would**
24 **hear it. Because I didn't hear what was going on**
25 **in there. But once they were out, I would hear him**

1 **ask to come back in.**

2 **Q.** Did you track, Ms. Haley, how many rounds
3 Mr. Ray conducted for his ceremony that day?

4 **A. Nine. But it's in question really.**

5 **Q.** You testified a little bit earlier about
6 a hose not reaching at some point?

7 **A. Yes.**

8 **Q.** Are you able to look at the exhibit
9 that's on the overhead, which is Exhibit 144, and
10 tell the jury where the hose was?

11 **A. The hose I had right over here.**

12 **Q.** Where was the hose bib?

13 **A. I don't know. You mean where it**
14 **connected; right?**

15 **Q.** Yes.

16 **A. I don't know.**

17 **Q.** How far did the hose that you were
18 manning stretch?

19 **A. It stretched to what you can see here.**
20 **But right off of here, it didn't go past that. And**
21 **we had people past that.**

22 **Q.** How many hoses were on the location of
23 the sweat lodge?

24 **A. One.**

25 **Q.** Did anybody else man the hose other than

1 you?

2 **A. No. Also it didn't go past here.**

3 **Q. Were there other sources of water to cool**
4 **participants down?**

5 **A. Well, I used a loose bucket of ice and**
6 **used cups there. But no. We weren't told of any**
7 **other coolers.**

8 **Q. When you were first stationed outside the**
9 **sweat lodge to conduct your responsibilities, what**
10 **was the source of water supposed to be to cool**
11 **participants down?**

12 **A. The hose.**

13 **Q. And what else was on site for**
14 **participants to use to cool themselves down?**

15 **A. To drink the water and electrolytes they**
16 **had set up underneath that roof.**

17 **Q. Do you see the roof you're talking about**
18 **in this photograph?**

19 **A. Under this roof there was water and**
20 **electrolytes.**

21 **Q. You talked about being busy the whole**
22 **time. What was it that made you so busy?**

23 **A. Continually cooling people off. Since I**
24 **couldn't stay with one person, I would keep going**
25 **back and re-hosing them. So ended up a lot of**

1 **people and me with one hose.**

2 **Q. How would you know that somebody that you**
3 **had already hosed off needed to be hosed off again?**

4 **A. I would assume.**

5 **Q. Were people talking to you?**

6 **A. No.**

7 **Q. Outside the sweat lodge while the**
8 **ceremony was going on, was there much conversation?**

9 **A. A little bit. I was talked to a couple**
10 **of times.**

11 **Q. By --**

12 **A. First Marta telling me not to hose down**
13 **that person, first, and then with Lou.**

14 **Q. Let's talk now about when Mr. Ray ended**
15 **his sweat lodge ceremony.**

16 **Do you have a sense in terms time how**
17 **long from start to finish this ceremony lasted?**

18 **A. Two and a half hours, two to two and a**
19 **half hours.**

20 **Q. And when it was over, how did you become**
21 **aware that it was over?**

22 **A. James Ray said it was over. He opened**
23 **the door and he came out. And our instructions are**
24 **to get everybody out.**

25 **Q. Who told you to get everybody out?**

1 **A. James Ray.**

2 **Q. When?**

3 **A. Well, he -- James told us that -- in**
4 **prepping -- that he didn't know how many rounds**
5 **that he would go, and then he would say when it was**
6 **over. And then we were to make sure everybody got**
7 **out.**

8 **Q. Who was the first person out?**

9 **A. I remember Liz coming out. I'm not so**
10 **sure she's the first person. There were so many**
11 **people coming out at the end.**

12 **Q. Let me ask that over again. When the**
13 **ceremony was over, who was the first person out?**

14 **A. James Ray.**

15 **Q. How did other people, if you observed,**
16 **come out after James Ray?**

17 **A. There was a lot.**

18 **Q. And were people getting out on their own**
19 **volition?**

20 **A. No.**

21 **Q. How were people getting out?**

22 **A. They were being pulled out.**

23 **Q. Who was doing the pulling?**

24 **A. The other Dream Team members.**

25 **Q. Did you ever go inside the sweat lodge?**

1 **A. No.**

2 **Q. What were you doing?**

3 **A. Hosing them down, the ones I could reach.**
4 **But now -- I couldn't -- at the end -- and people**
5 **were being pulled out. They're not being pulled**
6 **out in the area here where I have the hose. Okay?**

7 **Now they're being pulled out over here**
8 **and over here where there is no way -- the hose**
9 **only reaches to here and to here, but people are**
10 **all where the picture isn't showing. There is a**
11 **lot of people on the ground. I can't reach them.**

12 **Q. How did you become aware that people were**
13 **in other locations other than where your hose was?**

14 **A. I heard -- well, I could see the ones in**
15 **front of me or on the side of me where I couldn't**
16 **reach. But I became aware that there were some on**
17 **the other side over here where I can't see because**
18 **I'm over here. I'm here on the other side.**

19 **I became aware because I became aware of**
20 **hearing somebody say, there's still three people in**
21 **there.**

22 **Q. Do you know who said that?**

23 **A. No.**

24 **Q. What drew your attention next?**

25 **A. Liz being pulled out and me taking cups**

1 of water -- somebody else. Yeah. I took cups of
2 water. That's all I had to cool her off. And she
3 was groaning. So I thought she's breathing good.
4 Let me get to the next one.

5 There's people on the side of the tent
6 because I heard they had to lift up the side to
7 pull them out because they weren't strong.

8 Q. Let me slow you down a little bit.
9 When you say "Liz," you mean Liz who?

10 A. Liz Neuman.

11 Q. Do you know who pulled Liz Neuman out of
12 the tent?

13 A. No.

14 Q. Do you know where she was pulled to?

15 A. Around here.

16 Q. Did you see how many people brought Liz
17 out of the tent?

18 A. Two.

19 Q. Did you go to Liz?

20 A. Yes.

21 Q. And tell the jury physically what you
22 observed about Liz's condition.

23 A. Incoherent, eyes closed, moaning.

24 Q. What did you do for Liz?

25 A. Put two cups of water on her.

1 Q. Because?

2 A. Because there were other people there.
3 And she was breathing. And now I became aware of
4 other people that were left in the tent that hadn't
5 been cooled off at all.

6 And so I knew there were Dream Team
7 members with her there. I wanted to make sure
8 there was somebody to support and to cool off the
9 other ones that I couldn't see.

10 Q. So what did you do?

11 A. So I went over to see the ones I couldn't
12 see. And I didn't have a hose. And I saw two
13 people not breathing -- James Shore and Kirby
14 Brown.

15 MS. POLK: Your Honor, it's noon. Do you want
16 me to keep going?

17 THE COURT: We'll break.

18 Ladies and gentlemen, we'll take the noon
19 recess. Please remember the admonitions.

20 Ms. Haley, I talked to you about the rule
21 of exclusion of the witnesses. Please continue to
22 follow that.

23 And I'll ask the parties to remain. We
24 will be in recess.

25 Thank you.

1 (Proceedings continued outside presence
2 of jury.)

3 THE COURT: The record will show the presence
4 of Mr. Ray and the attorneys. The jury has left.
5 And there are a couple of things to take up.

6 I just wanted to mention some things
7 about timing. Apparently there was some confusion
8 with regard to the exhibits. And apparently there
9 are different versions of exhibits perhaps.

10 There's a ruling that indicates that if
11 part of a tape is played, then another part may be
12 played as well. And that's really under Rule 106
13 that covers that when, in fairness, something has
14 to be played in context contemporaneously.

15 But we just cannot have the delays. And
16 with as many exhibits that are listed, it's going
17 to take cooperation between the parties to make
18 sure evidentiary concerns are addressed. We just
19 cannot delay the start of the trial, as happened
20 today.

21 So is that something you've considered
22 now, Ms. Polk and Mr. Li or Ms. Do?

23 MR. LI: Your Honor, we were handed a CD of I
24 don't know how many clips this morning. Ms. Polk
25 explained what was on them. We've not had a chance

1 to review more than, I think, two of them. And I,
2 frankly, don't even know how many clips are on the
3 actual CD. So we literally just got it this
4 morning at 8:15, I'd guess, 8:20.

5 So while I would welcome the opportunity
6 to work with the state and try and understand what
7 they intend to put on as evidence, this is the
8 notice that we have been given. And this is the
9 best that we can do.

10 THE COURT: Have you received disclosure, I
11 take it, in some other form? There's just so much
12 of it. You know it's going to be presented.
13 There's no way to sort.

14 MR. LI: There is five days of tape. It's
15 literally every minute. Not every minute but many,
16 many hours of the retreat. And -- you know -- this
17 was part of our motion to exclude this. Because so
18 much of this is out of context. You play a little
19 part that somebody wants to have an altered state,
20 and yet there is -- you know -- discussion ahead of
21 time that altered states include medication, being
22 in love, and what have you.

23 It's very difficult to sort of match up
24 the little clips to what the -- you know -- what's
25 going to put those particular clips in context.

1 But also note we asked before trial what
2 clips do we want to play and what clips are you
3 going to play so that we can have an orderly
4 presentation of evidence.

5 We've tried very hard, Your Honor. I
6 think the record will reflect we've tried very hard
7 to make the issues compact, make them
8 understandable. We filed a lot of briefing on
9 exactly all of these issues for exactly this
10 purpose.

11 And what has happened and -- you know --
12 no disrespect to the state. But what has happened
13 repeatedly is we get handed a CD with -- I
14 literally don't know how many clips are on it. It
15 could be 20. It could be 40. It could be 60.

16 And we've now got to listen to those
17 various clips and figure out what they are and what
18 they relate to and then try and go back to the
19 office and figure out which clips will put those
20 clips into context.

21 This is not how -- you know, the delays
22 are going to be inevitable. Because if we get
23 handed this, our only options are either we roll
24 over and just let the tapes be played, which,
25 frankly, I don't think is an option, or we slow it

1 down and try and understand what are we about to
2 listen to and bring it to the Court's attention.

3 You know what, Your Honor. This is not
4 relevant or this is not appropriate or this needs
5 to be put into a broader context.

6 It's our position and it has been our
7 position from the beginning that all of this, days
8 of testimony about medicine wheels and mics and all
9 of these sorts of things, is not relevant to the
10 manslaughter charge.

11 What it is relevant is sort of a general
12 attempt to turn Mr. Ray -- you know -- to bring
13 prejudice onto Mr. Ray.

14 And these tapes are being played out of
15 context -- you know -- cherry picked for -- you
16 know, I heard one clip that was just outrageous
17 back in the office. You know.

18 We went back to the side room. And there
19 is this one clip. I think it's probably about 10
20 seconds long. And it -- you know -- it's some
21 fairly tough words between Mr. Ray and a
22 participant about some fairly tough issues.

23 It's a 10-second clip, and it doesn't
24 include -- you know -- what that person was really
25 working on.

1 And, frankly -- I'm sorry, Your Honor. I
2 mean, there's a lot that we have been handed to try
3 to then put into context and then to just play it
4 to these witnesses and say, did you hear that?

5 Yes, I did.

6 That is -- that's the question literally.
7 Did you hear something like this?

8 Yes, I did.

9 There is no other relevance to it. You
10 know, my colleague points out to me that the
11 clip -- one of the clips that is on the tape
12 relates to the fact that a participant was raped in
13 some prior -- many, many years ago.

14 And that's one of the issues that that
15 participant was dealing with. And there is
16 discussion about that. And the relevance of that
17 discussion to this particular case about people's
18 conduct in a sweat lodge and what the decedents
19 were thinking about and why they wanted to stay in
20 the sweat lodge.

21 The logical connection between all of
22 these random clips, about the issues that all these
23 various people, other people, were dealing with it
24 absolutely -- it's not just tenuous. It literally
25 doesn't exist.

1 There literally is no connection between
2 what Ms. Haley thinks somebody else was thinking or
3 when somebody else gets on the stand and says this
4 is the issue I've been working on for my entire
5 life. You know, I go to church and I pray about
6 this issue or I go to my psychologist, and I tell
7 him about this issue.

8 None of those issues have anything to do
9 with what the three decedents were thinking,
10 assuming even that is relevant.

11 And so -- you know -- I'm sorry about the
12 sort of passion that I'm showing here. But the
13 problem, Your Honor, is that the way this trial is
14 progressing is simply this undisciplined barrage of
15 stuff that the state is just finding or just
16 thinking about bringing up.

17 I point out as an example, Mr. Hughes's
18 objection to the idea that there was some tape
19 somewhere that said organophosphate.

20 This is the state's tape. They've had it
21 for a year and a half. He could have listened to
22 it a year and a half ago. Obviously, they haven't.

23 So when he gets up in front of the
24 courtroom and represents that this tape doesn't
25 have anything about organophosphates in it, and, in

1 fact, it does. When they file papers that say, oh.
2 You know what. Ms. Brown is discussing the rules
3 that she had to obey. And there's not a word about
4 rules.

5 Your Honor, frankly, there isn't a rule
6 about whether or not somebody can go to the
7 bathroom or not under Mr. Ray's -- in Mr. Ray's
8 seminar. In fact, the rule is if you need to go to
9 the bathroom, go to the bathroom.

10 This is how this evidence is being
11 presented to us, and we have to then react to it
12 almost live.

13 I apologize, Your Honor.

14 THE COURT: No. It's an important issue.

15 I've seen what happens to the progress of
16 the trial when it's not worked out. The recordings
17 were not disclosed until the end of January, as I
18 recall.

19 MR. LI: Your Honor --

20 THE COURT: I'm not blaming anybody. I'm just
21 saying that's what happened. And I'll hear more on
22 that if necessary.

23 The point is these are the kind of things
24 you work out pretrial. I've never heard any of
25 these things before. The trial started within two,

1 three weeks of those things actually being
2 provided.

3 MR. LI: For the record, Your Honor, the state
4 asked for the tapes. I don't recall when, but
5 sometime in the summer. We said that there were
6 legal issues that needed to be litigated. There
7 was a motion scheduled that the Court had set forth
8 that we complied with, that when we wanted to
9 preclude evidence that was, we believed, irrelevant
10 for various reasons, we filed motions in limine in
11 an effort to create an orderly presentation of the
12 evidence.

13 And then what the state did was they
14 waited until, I think, the end of the year or
15 something like that. They literally had six, seven
16 months to file that motion.

17 And they've been aware of the issue
18 probably -- I couldn't tell you. They've been
19 aware of that issue probably since June at least.

20 And so -- you know -- there were legal
21 issues that needed to be litigated, Your Honor, as
22 the Court well knows, and well-founded legal
23 issues, issues that we still believe we have the
24 right of.

25 That said, all of those issues could have

1 been presented months ago, literally months ago.
2 And it's not the defense's problem that the state
3 decides to wait until December to try to get some
4 piece of evidence that they now think is really
5 important because they now have this new theory
6 that there was mind control or something like that.

7 We have tried very hard, Your Honor. You
8 know, it is my firm's practice, my personal
9 practice to be collegial, to work with the other
10 side, to try to create the most streamlined and
11 orderly presentation of evidence as possible.

12 I would like this trial to be more
13 efficient for many reasons including -- you know --
14 personal. I would very much like for this to move
15 along.

16 But it is not the defense's fault that
17 the state is at the last minute coming up with new
18 theories and deciding to relitigate issues that had
19 already been litigated and to come up with new
20 arguments and see which one might stick.

21 And that literally is what's happening,
22 Your Honor. We've heard probably five or six
23 different theories as to why Mr. Ray committed a
24 crime, why this isn't an accident.

25 And each time the Court makes a ruling,

1 the state swerves slightly off, and then they come
2 up with a new theory and they make a new argument
3 about why particular evidence might be relevant.

4 It is the defense position that that sort
5 of scatter-shot approach, that undisciplined
6 approach, offends due process and is a profound
7 problem with the orderly presentation of evidence.

8 THE COURT: Ms. Polk?

9 MS. POLK: Your Honor, thank you.

10 There were -- a lot of things were just
11 said -- attacks on the state -- that I'm not going
12 to respond to unless the Court has a question. I
13 don't agree with much of what Mr. Li said.

14 I want to address the issue of delay.
15 The state did -- created a master CD that we gave
16 to the defense this morning of all of the clips
17 that we have made from the audio that, obviously,
18 they have.

19 And what I indicated to them is
20 throughout the course of this trial, we will -- we
21 intend to play those clips. And I will let them
22 know with respect to each witness what clip we
23 intend to play.

24 That was not the cause of the delay this
25 morning. Last Friday when we moved to admit

1 Exhibit 735, that was the clip that had the words
2 from Kirby Brown on it.

3 There was the objection then. We
4 specifically asked the defense to let us know if
5 they felt more should be played and to let us know
6 before today. They did not. So what we had
7 prepared for today was the more abbreviated clip.

8 They had the entire audio, obviously,
9 before then. They had the clip we intended to play
10 on Friday. And it wasn't until this morning, then,
11 that we had the discussion and the defense had
12 indicated they wanted us to play the entire clip.

13 And so that delay clearly was avoidable.
14 But we needed that information from the defense.
15 And the Court saw -- the decision was actually made
16 in front of you where they decided they wanted the
17 entire clip played.

18 So we then had to go to make a new
19 exhibit with the enlarged clip. And that was the
20 source of the delay.

21 I don't believe there will be other
22 delays relating to the audio. We've now given them
23 the master with the clips broken down.

24 And I would just ask that with respect to
25 any of those clips, if the defense thinks a larger

1 portion of that clip should be played, that they
2 let us know timely so I can be prepared in court
3 with an exhibit that would have an entire context
4 or whatever it is the defense wants us to play when
5 we play those abbreviated clips.

6 THE COURT: When I ruled on this as a
7 disclosure discovery matter, I observed that there
8 may be instructions on the tape. It may relate to
9 how people were to experience the sweat lodge or
10 might experience the sweat lodge, that kind of
11 thing. I thought it would be fairly confined. I
12 didn't know it was going to be extensive and go
13 into these other areas.

14 How much volume -- how many items are we
15 talking about, Ms. Polk?

16 MS. POLK: Your Honor, with respect to
17 upcoming witnesses, it just depends. Maybe three,
18 maybe four audio clips.

19 Once the jury has heard them, I don't
20 need to play them again.

21 The state's position all along is that
22 the entire audio should come in. That's been
23 objected to. And so we're limited to playing the
24 various clips as they became relevant and I can lay
25 the foundation.

1 I don't consider it to be voluminous. We
2 made for the defense all the audio clips we made so
3 they would have them. And then with respect to
4 each witness, when I know what clips I intend to
5 play, then I will notify them ahead of time so they
6 can be prepared with respect to each witness.

7 THE COURT: Mr. Li, Rule 106 will be the
8 guide. If there is a clip that's going to be
9 played as a statement, it's admissible as a
10 statement. And if the defense wants something
11 additionally played, you have that right. That's
12 contemplated by the rules.

13 The question is having enough notice that
14 it can be dealt with and if there is other
15 objections so I can deal with them.

16 MS. DO: I could let the Court know that I had
17 a chance to briefly look at this master CD provided
18 by the state. It contains four folders, one for
19 each of the days in the Spiritual Warrior retreat.

20 Just looking at the first folder, there
21 were 50 excerpts. And so now we're going to have
22 to go through four folders, with one containing at
23 least 50, and determine what the full context is
24 for each excerpt.

25 And at this point I think my colleagues

1 and I are just at the point where the state should
2 just play the whole five days.

3 We're doing it in this very haphazard,
4 piecemeal fashion. And I don't think the Court can
5 expect the defense to every single morning try and
6 put the excerpt that the state chooses the night
7 before into context.

8 MR. LI: We don't have the slightest idea what
9 the state intends to do at any given moment
10 relating to these particular clips. And, Your
11 Honor --

12 THE COURT: The trial can't progress in that
13 fashion. That's impossible. There could be
14 something inadmissible and the whole trial ends
15 when something is played before it can be reviewed
16 and analyzed.

17 Well, we need to take the recess.

18 Ms. Polk, do you contemplate playing any
19 other excerpts this afternoon?

20 MS. POLK: No, Your Honor.

21 THE COURT: Okay. This is going to require
22 some thought.

23 And, Mr. Li, there's another problem I
24 want to get to as well. If you want to bring that
25 up.

1 MR. LI: Your Honor, that issue -- I trust
2 that the various folks in charge of those
3 particular issues take care of them, if what you're
4 discussing relates to --

5 THE COURT: It was mentioned by Mr. Kelly at
6 the bench.

7 Okay. Then we don't need to do that. But we
8 have to decide what's going to happen with the
9 recordings.

10 MR. LI: Your Honor, there is a basic
11 fundamental relevance objection to all of it, all
12 of those tapes, you know. I can see the state
13 crafting some argument about the pregame speech,
14 about what Mr. Ray said about safety instructions
15 or not -- lack thereof or whatever the state wants
16 to argue about the pregame instruction.

17 But how folks are dealing with the
18 various issues in their lives and what they think
19 those issues are and what value the seminar may or
20 may not have to them in a particular moment, in a
21 particular time, in the middle of the seminar when
22 they happen to pick up the mic literally has no
23 relevance to whether or not Mr. Ray recklessly
24 caused the deaths of three people.

25 It literally has no relevance. And so

1 this idea that we've got to now spend the next
2 however many days, hours, whatever, figuring out
3 what the context of somebody's statement about
4 vegetarianism or somebody's statement about
5 whatever particular issue they might have at that
6 particular moment on that particular day is not the
7 way this trial should go.

8 This trial should be very narrow. It's
9 about what happened in the sweat lodge. And this
10 theory that people were mind-controlled into -- is
11 just unsupported by any evidence.

12 We've already had days of witnesses where
13 they literally tell the Court and the jurors that
14 they're adults, they made their own decisions, they
15 heard information.

16 You know, we had Laura Tucker the other
17 day say she had -- you know -- one of the students
18 leaning up against her legs and didn't know
19 anything was happening.

20 Those are -- that's relevant. Those are
21 the issues that are before this Court. This other
22 stuff is not relevant and, frankly, it's
23 prejudicial.

24 It's almost the same thing as -- and no
25 disrespect to the good folks in the media. But

1 it's, basically, the way the media has tried the
2 case. We'll just throw in all sorts of things
3 about how Mr. Ray does this or how he does that and
4 how he reacted and whether he's a good guy or a bad
5 guy.

6 None of that has any relevance to whether
7 he recklessly caused the deaths of anybody. As
8 Laura Tucker said on the stand under oath, I think
9 quite credibly that the idea of mind control or
10 cult membership or follower or whatever was an
11 absolute massive distortion.

12 And I fear what's happening here, Your
13 Honor -- with all due respect to everybody in this
14 courtroom, I feel what's happening is that we're
15 putting on a bunch of witnesses, playing a bunch of
16 tapes, to perpetrate an absolute massive
17 distortion. And we're not looking at the fact of
18 what caused these folks to unfortunately and
19 tragically pass away.

20 MS. POLK: Your Honor, I just want to briefly
21 respond to let the Court know that the audio clips
22 are not clips of participants. The clips that the
23 state intends to play are the defendant's own
24 words.

25 And, of course, the defendant's own words

1 are not hearsay. And they are the best evidence of
2 what the participants were told during the events
3 of the week and the events leading up to the sweat
4 lodge.

5 So we did play the clip with Kirby Brown.
6 There is another clip with a statement from James
7 Shore that we'll address on another date.

8 Other than those two, the state does not
9 intend to play any audio reflecting what
10 participants said. The audio we intend play is the
11 audio reflecting the defendant's own words.

12 THE COURT: Thank you.

13 We're going to recess.

14 (Recess.)

15 (Proceedings continued in the presence of
16 jury.)

17 THE COURT: The record will show the presence
18 of the defendant, Mr. Ray, the attorneys, the jury.
19 And Ms. Haley is returning to the witness stand.

20 Ms. Polk.

21 MS. POLK: Thank you, Your Honor.

22 Q. Good afternoon, Ms. Haley.

23 A. Good afternoon.

24 Q. I wanted to ask you one more question

25 about the Exhibit 743, which was the audio clip the

1 jury heard with the voice of Kirby Brown.

2 Was Mr. Ray present when Kirby made that
3 statement?

4 **A. I believe I heard a background voice of**
5 **him. The only voices I really heard were his and**
6 **Kirby's.**

7 **Q.** I'm asking you a different question. On
8 that day when Kirby spoke at the open mic, was
9 Mr. Ray present?

10 **A. Yes.**

11 **Q.** And on the audio itself there was a male
12 voice. Do you know whose male voice that was?

13 **A. James Ray.**

14 **Q.** Before we took our break for lunch, we
15 were talking about the end of the sweat lodge
16 ceremony and some of the issues that you were
17 dealing with. I'm going to put back up on the
18 overhead Exhibit 144.

19 Just before we broke, you said that you
20 saw two people outside the sweat lodge, and they
21 were Kirby Brown and James Shore?

22 **A. Right.**

23 **Q.** How was your attention drawn to Kirby
24 Brown and James Shore?

25 **A. Hearing they were pulled out, I knew that**

1 **they needed to be watered down.**

2 **Q.** Did you see them get pulled out?

3 **A. No.**

4 **Q.** And when your attention was drawn to
5 them, can you show us on this Exhibit 144
6 whereabouts they were.

7 **A. They were over here.**

8 **Q.** On the backside of what we can see?

9 **A. Right.**

10 **Q.** What did you do, Ms. Haley?

11 **A. I walked here. It was enough for me to**
12 **see that they couldn't breathe. They weren't**
13 **breathing.**

14 **Q.** I want to talk about James Shore first.
15 What did you observe about James Shore?

16 **A. That he wasn't breathing and there was**
17 **foam coming out of his mouth.**

18 **Q.** Who was with him?

19 **A. I don't remember. I don't recall.**

20 **Q.** What did you do, if anything, with
21 respect to James Shore?

22 **A. I first ran to James Ray and told him two**
23 **people weren't breathing. He needed to come over**
24 **there.**

25 **Q.** Where was James Ray when you ran to him?

1 **A. He was sitting here drinking water.**

2 **Q.** When you told him two people weren't
3 breathing, what did he say?

4 **A. He said, get the nurse.**

5 **Q.** Was there a nurse there?

6 **A. I didn't know of one. My roommate, Lisa,**
7 **was a nurse. So I started screaming, who's the**
8 **nurse? Where's the nurse? And then I just went**
9 **back over there. And I saw James Shore again and**
10 **Kirby, and now they were purple.**

11 **Q.** Let me back you up because I want to ask
12 you a little more about the nurse. Do you recall
13 Lisa's last name?

14 **A. No.**

15 **Q.** And Lisa was your roommate?

16 **A. Yes.**

17 **Q.** And what does that have to do with the
18 nurse?

19 **A. Nothing. She was a nurse and I didn't**
20 **even know.**

21 **Q.** You roomed with Lisa throughout the week?

22 **A. Yes.**

23 **Q.** Nobody had ever told you Lisa was a
24 nurse?

25 **A. No.**

1 **Q.** During the week when you received any
2 training, did anybody from James Ray International
3 tell you there was a nurse on staff?

4 **A. No.**

5 **Q.** When Mr. Ray was yelling for you to get
6 the nurse, did you know who he was speaking about?

7 **A. No.**

8 **Q.** You then went to James Shore. Tell the
9 jury what happened.

10 **A. I saw that they were purple, and I ran**
11 **back again to James Ray and said, they're purple.**
12 **You need to come over here.**

13 **And James Ray said, I don't know what to**
14 **do.**

15 **So I then went back to James Shore and**
16 **noticed there was foam and liquid coming out of his**
17 **mouth and he was purple. And two people were doing**
18 **CPR, but it wasn't working. So I said, put him on**
19 **his side.**

20 **Q.** Who was doing CPR on James Shore?

21 **A. I'm not sure.**

22 **Q.** Why did you believe he needed to be put
23 on his side?

24 **A. Well, I just noticed the CPR wasn't**
25 **working. He was getting more purple, and he looked**

1 like he was drowning, although I wouldn't know why
2 he was drowning. And his heart didn't seem to be
3 moving so I just -- let's try something.

4 Q. Did anybody respond when you said, put
5 James Shore on his side?

6 A. Yes.

7 Q. Who responded?

8 A. The two people that were giving CPR. I
9 believe Barbara. I don't know who the other person
10 was.

11 Q. Did you recognize the two people to be --

12 A. Dream Team.

13 Q. Dream Team members. Both?

14 A. Yes.

15 Q. Once you moved James Shore to his side or
16 once James Shore was moved to his side, what
17 happened?

18 A. I started to beat his back as hard as I
19 could thinking I could get water, fluid, or his
20 heart working and did that for about 45, 60
21 seconds.

22 That wasn't working. We put him back
23 down. They went back to CPR. I then went to
24 Kirby.

25 Q. You mentioned a nurse. Did a nurse show

1 up while you were attending to James Shore?

2 A. Lisa was with Kirby.

3 Q. And with respect to James Shore, what
4 training have you had to do any sort of emergency
5 medical response?

6 A. None.

7 Q. Do you know what training the other two
8 Dream Team members had had who were attending to
9 James Shore?

10 A. No.

11 Q. What was the condition of James Shore
12 when you left him?

13 A. Purple, foam out of his mouth.

14 Q. Who was tending to James Shore when you
15 left him?

16 A. Two Dream Team members.

17 Q. And what are they doing?

18 A. Giving him CPR.

19 Q. Why did you decide at that point to leave
20 James Shore?

21 A. They were both next to each other, so I
22 didn't really leave. I just looked over at Kirby.

23 And Melinda and Lisa were giving CPR to Kirby.

24 And Melinda, James's assistant for six
25 months, looked up at me and said, do you want to

1 take over?

2 And I'm, like, yeah because somebody
3 needs to get James.

4 Q. Let's back up and get some last names.

5 Do you know Melinda's last name?

6 A. No.

7 Q. When your attention then shifted from
8 James Shore to Kirby Brown, Melinda and who else
9 was attending to --

10 A. Lisa.

11 Q. Who was doing the CPR?

12 A. Lisa was doing chest compressions, and
13 Melinda was doing mouth to mouth.

14 Q. When Melinda looked at you and asked you
15 to take over, doing CPR on Kirby?

16 A. Yes.

17 Q. It's your testimony that was okay with
18 you?

19 A. Yes.

20 Q. Had you ever done CPR before on anybody?

21 A. No.

22 Q. Have you ever had training in how to do
23 CPR?

24 A. No.

25 Q. Why were you willing to take over CPR on

1 Kirby?

2 A. Because I didn't feel like she was
3 getting enough air. And nobody else was there
4 doing anything. And we needed 9-1-1 called. So
5 I'm there.

6 Q. Okay. Tell us what you did with respect
7 to Kirby then.

8 A. I started getting in as much air as I
9 could and blowing in and taking Lisa's comments,
10 whatever she had to say to do.

11 And we all of a sudden had a doctor
12 present that was a participant that was guiding me
13 with her head and her mouth.

14 And some man came that was there and
15 supported her neck. And I could see the purple go
16 from her abdomen up to here when I started to give
17 her air and we got her head in the right position.

18 Q. Did you notice whether Kirby Brown
19 responded in some way to the CPR?

20 A. In the middle I thought we had her back.
21 I go, I think we got her. There was a slight
22 smile, and it never changed.

23 And her eyes were open the whole time.
24 And I go, look it. James Shore looks like he's got
25 a little smile right now too. So I thought they

1 both were coming back, but they just stayed like
2 that.

3 Q. How long did you do CPR on Kirby Brown?

4 A. I wouldn't have known except that the
5 ambulance came. The doctor was there. And the
6 ambulance person asked the doctor how long I was
7 doing CPR, and she said 45 minutes.

8 Q. Do you personally have a recollection of
9 doing CPR for 45 minutes?

10 A. I had no idea it had been 45 minutes.

11 Q. Did you ever get any physical response
12 from Kirby, any sort of body reaction, when you
13 were doing the CPR?

14 A. Gurgling in her stomach.

15 Q. Did anything ever come up from Kirby's
16 stomach?

17 A. She was throwing up in the beginning when
18 Melinda had her. And when I started, I had a
19 little throw up in my mouth.

20 Q. Did you do the breath -- you did the
21 breathing the whole time on Kirby?

22 A. Melinda did about the first five minutes.
23 I did the rest.

24 Q. And what did Lisa do for the rest of the
25 time when you were doing the breathing?

1 A. She did some heart compressions. She
2 also switched off with the doctor, did some; and
3 Lisa came back to do it some more. I don't know
4 what was going on there. I just kept concentrating
5 on keeping some color.

6 Q. How did you know how to perform the
7 breathing in connection with the CPR on Kirby?

8 A. Direction from the doctor.

9 Q. You mentioned, Ms. Haley, a discussion
10 about calling 9-1-1. Did you hear any discussion
11 about calling 9-1-1?

12 A. I heard Melinda run over to James and say
13 something about 9-1-1.

14 Q. Did you hear Mr. Ray respond?

15 A. I heard a debate.

16 Q. What did you hear Mr. Ray say?

17 A. I didn't hear it clearly, what he was
18 saying, except there was back and forth
19 conversation regarding calling 9-1-1.

20 Q. Did Mr. Ray ever come over to where you
21 were with Kirby Brown or James Shore?

22 A. Yes.

23 Q. When?

24 A. Approximately halfway through it.

25 Q. Did he say anything?

1 A. Not until the ambulance was there.

2 Q. How did your interaction with Kirby Brown
3 come to an end?

4 A. The ambulance coming and the paramedics
5 taking over.

6 Q. Did you -- what was your observation
7 about Kirby Brown's conditions when you stopped
8 doing CPR?

9 A. That we were keeping her body alive and
10 she was gone.

11 Q. What about her condition did you observe
12 that makes you say that?

13 A. Well, the doctor had us prep for her
14 heart compressions. So we took off her clothes,
15 dried her off so we could get her prepped.

16 And when the paramedics came and they
17 just put something around her chest to do
18 compressions and just put an oxygen mask on her, I
19 realized they were just keeping her body alive.
20 She was gone.

21 Q. Did you have any further interaction with
22 James Shore?

23 A. No.

24 Q. After the paramedics came and took over
25 with Kirby Brown, what did you do?

1 A. They took over with James and Kirby, and
2 then I stood to keep people out of it.

3 Excuse me. Can you say that question
4 again?

5 Q. What did you do after the paramedics came
6 and relieved you of doing CPR on Kirby Brown?

7 A. I stood up. James Ray was there. He
8 said, good job.

9 Q. To who?

10 A. Me. He then looked around very slowly
11 just taking it in --

12 MS. DO: Your Honor, I'm going to object to
13 that last comment. Speculation.

14 THE COURT: Just as to the last comment,
15 sustained.

16 Q. BY MS. POLK: If you can limit your
17 comment to what you saw Mr. Ray do. What did you
18 see him do?

19 A. I watched him look around slowly.

20 Q. And did you see where he went?

21 A. Then he said James --

22 MS. DO: Objection. Nonresponsive.

23 THE COURT: Sustained.

24 Q. BY MS. POLK: Did you hear Mr. Ray make a
25 comment?

1 A. Yes.

2 Q. And what did he say?

3 A. He said he was going to the police.

4 Q. Did you see Mr. Ray leave the scene?

5 A. Yes.

6 Q. And when was that?

7 A. Right when he said that. Right after the

8 ambulance and the paramedics were working on James

9 and Kirby.

10 Q. After you took care of Kirby Brown and

11 James Shore, did you take care of anybody else?

12 A. Yes.

13 Q. Who else did you take care of?

14 A. There was a girl -- I don't know what her

15 name is -- that was screaming.

16 Q. What was she screaming?

17 A. She was screaming, I love you, James.

18 Some sexual innuendo.

19 And this was a girl that was scared of

20 her own shadow, who is very quiet. And now she is

21 screaming she wanted to have sex with James.

22 MS. DO: Objection, Your Honor. Relevance.

23 THE COURT: Sustained.

24 Q. BY MS. POLK: Did you attend to that

25 woman who was screaming?

1 A. Yes.

2 Q. What did you do for her?

3 A. I helped hold her down while the

4 paramedics tried to put an I.V. in her and keep her

5 calm because she was thrashing.

6 Q. Did you attend any other participant?

7 A. Yes. I don't know her name. Cute

8 little, like, Argentina girl cut her hair -- who

9 was hallucinating earlier saying she didn't want

10 the Indians to get her.

11 Q. Now let's back up because we haven't

12 talked about her.

13 A. Right. I forgot.

14 Q. When was it in the course of the sweat

15 lodge ceremony that -- this girl that you're

16 talking about?

17 A. It was probably around the fifth round.

18 Q. And was she inside or outside of the

19 tent?

20 A. She came outside.

21 Q. How did she get out?

22 A. I don't remember.

23 Q. When did you first become aware of her?

24 A. When she came out, she was laying down

25 where it was I was cooling people off. And I

1 cooled her off.

2 She sat up and she was hysterical on

3 wanting to go home. I thought that was normal. I

4 said, sit down. Don't move.

5 And then she said -- you know -- the

6 Indians are going to get me. And then I realized

7 she was hallucinating. She really wasn't okay.

8 Q. What more did you do for that lady?

9 A. Kept cooling her down and gave her some

10 water to drink and told her not to move. And

11 people held her down for a while.

12 Q. Did you tend to anyone else?

13 A. I attended to her later.

14 Q. Where at?

15 A. After the one that was screaming. It was

16 now dark. It's been hours now.

17 Q. Are you still at the scene outside the --

18 A. Yes. I'm still right there.

19 Q. Okay.

20 A. And I'm now over here. Okay. And she is

21 way over there. And now I'm looking around to see

22 how I can be of help, because now there's

23 paramedics and there's people there. And I don't

24 want to get in the way.

25 But I see her from far away. And it's

1 freezing cold. She's in a bathing suit and she

2 doesn't look cold. And I think that there is

3 something wrong even though she looks coherent.

4 So I go over to her and I wrap my body

5 around her as she was sitting there.

6 Q. What did you observe about her at that

7 point?

8 A. Just that that she was numb. And then a

9 policeman came over and asked if we were both okay.

10 And I said, I wasn't in the sweat lodge. She was.

11 Then the police officer started to ask if

12 she had anything to drink or eat that day. And I

13 started answering the questions for her. And then

14 I got stopped by the other Dream Team members to

15 not talk to the police.

16 Q. How long were you actually at the scene

17 outside the tent when this was over?

18 A. From approximately 2:00 a.m. to

19 10:00 o'clock. I was told to go to the kitchen --

20 dining room.

21 Q. Let me have you -- maybe I didn't hear

22 you correctly. Until what time?

23 A. 2:00 to 10:00.

24 Q. 2:00 p.m. to 10 p.m.?

25 A. Yes.

1 Q. When you left the area of the tent, was
2 Kirby Brown still there?
3 A. No.
4 Q. And how about Liz Neuman?
5 A. No.
6 Q. And James Shore?
7 A. No.
8 Q. Did you tend to anybody else other than
9 the ones you've testified about at any time before
10 leaving at around 10:00?
11 A. No. **I did notice Stephen Ray.**
12 Q. When did you become aware of Stephen Ray?
13 A. **Just walking by. He had support already,**
14 **but he had a thing on his arm.**
15 **He had played the Samurai Game holding**
16 **the books, and he had a thing on his arm. And he**
17 **looked out of it. He looked scary out of it.**
18 Q. What thing was on his arm? What do you
19 mean?
20 A. **Like a sling.**
21 Q. At what point when the ceremony is over
22 did you become aware of Stephen Ray?
23 A. **Near the end, 9:00.**
24 Q. After you had attended to Kirby Brown and
25 James Shore?

1 A. **Right.**
2 Q. Did you talk to Stephen Ray?
3 A. No.
4 Q. Tell the jury physically what you
5 observed about him.
6 A. **I observed that he wasn't capable of**
7 **answering anybody's questions.**
8 MS. DO: Objection, Your Honor. Foundation.
9 THE COURT: Sustained.
10 Q. BY MS. POLK: Did you -- what position
11 was Stephen Ray in when you saw him?
12 A. **He was laying on the ground.**
13 Q. Were paramedics tending to him?
14 A. **Not yet.**
15 Q. Who, if anybody, brought the attention of
16 paramedics to Stephen Ray?
17 A. **I don't know.**
18 Q. When you were there, were paramedics
19 tending to him?
20 A. **Not yet. They may have. They were**
21 **moving around too.**
22 Q. When you left the area of the sweat lodge
23 to go to the dining room, where was Stephen Ray?
24 A. **He was on the ground, and Lisa was next**
25 **to him.**

1 Q. Were paramedics still at the scene?
2 A. **Yes.**
3 Q. Did you leave Angel Valley that morning?
4 A. **Yes.**
5 Q. About what time?
6 A. **3:00 in the morning.**
7 Q. Before leaving Angel Valley, where did
8 you go?
9 A. **I went to the dining hall.**
10 Q. I'm going to put up on the overhead
11 Exhibit 189, that you already testified to,
12 Ms. Haley. This is the Dream Team expectations
13 document.
14 Do you recall this document?
15 A. **Yes.**
16 Q. I'm going to flip to the third page and
17 just draw your attention to the paragraph that
18 talks specifically about the sweat lodge.
19 Can you read that.
20 A. **You will assist participants as they**
21 **enter and exit the sweat lodge. If you are inside**
22 **the sweat lodge, you must remain alert and ready to**
23 **help the entire time.**
24 **If you are outside the sweat lodge, be**
25 **present and ready to quickly and immediately do**

1 **what is necessary to assist anyone coming out of**
2 **the sweat lodge.**
3 Q. Did you receive any training specifically
4 what to do in addition to what is in this pamphlet?
5 A. No.
6 Q. Did you ever receive training from
7 Mr. Ray in CPR?
8 A. No.
9 Q. Did you ever receive training in what to
10 do if people did not appear to be conscious?
11 A. No.
12 Q. Everything you did, Ms. Haley, then --
13 what was that based upon?
14 A. **His information to cool them down and**
15 **give them -- the rest I winged it. I just winged**
16 **it.**
17 Q. Was there any discussion from Mr. Ray
18 about what to do if things went wrong?
19 A. **No. There was no suggestion that**
20 **anything would ever go wrong.**
21 Q. Was there ever any training about an
22 emergency response plan should something go --
23 MS. DO: This has all been asked and answered.
24 THE COURT: Overruled.
25 You may answer that question.

1 THE WITNESS: Can you ask that again.

2 Q. BY MS. POLK: Did you ever receive any
3 training from Mr. Ray about an emergency plan in
4 the event something could go wrong?

5 A. No.

6 Q. Were you ever told where any medical kits
7 or medical supplies were?

8 A. I don't recall.

9 Q. If I can point your attention, again, to
10 Exhibit 189, the second page.

11 On your guide under first aid it says:

12 There will be a first aid kit at the JRI team
13 table. If a participant or Dream Team member
14 experiences an injury, please assist him or her and
15 immediately notify a JRI team member of the
16 incident.

17 Did you receive any training specific to
18 that paragraph?

19 A. I think I did that paragraph.

20 Q. And what do you mean by that?

21 A. I mean, when there was a problem, I went
22 and asked James Ray and said, hey. We have a
23 problem. They're not breathing.

24 Q. Did anybody tell you the location of cell
25 phones in the event of an emergency?

1 A. No.

2 Q. And how about walkie-talkies?

3 A. No.

4 Q. Do you have any personal knowledge as to
5 the extent of the cell phone service in Angel
6 Valley?

7 A. It's on and off.

8 Q. How do you know that?

9 A. Because I tried to use my cell phone to
10 call home.

11 Q. And do you know approximately how far
12 from the town of Sedona Angel Valley is?

13 A. It's in Sedona. Angel Valley.

14 Q. Do you know how far of a drive from the
15 town, for example, to get down to Angel Valley?
16 How long did it take you?

17 A. From --

18 Q. The center of Sedona, for example.

19 A. I don't know. I don't know the area.

20 Q. Were you ever trained in what to do when
21 Mr. Ray ended his sweat lodge ceremony with respect
22 to checking on participants?

23 MS. DO: Again, Your Honor, objection. Asked
24 and answered.

25 THE COURT: Overruled.

1 You may answer.

2 THE WITNESS: Keep them hydrated, have them
3 sit for a while, don't let them get up and walk
4 around even if they think they're okay.

5 Q. BY MS. POLK: My question is more
6 specific.

7 A. Okay.

8 Q. And it's focusing in on participants
9 inside the sweat lodge when the ceremony ended.
10 Were you ever given any training with respect to
11 who might still be inside?

12 A. No.

13 Q. Do you know if there was anybody on site
14 whose job it was to see if people were left inside
15 the tent when Mr. Ray ended his ceremony?

16 A. Can you ask that again.

17 Q. Do you know if anybody had the
18 responsibility -- you, the Dream Team members, or
19 Mr. Ray's staff -- who had the responsibility to
20 look inside the tent when the ceremony was over to
21 see if everybody was out?

22 A. Dream Team members were supposed to get
23 them out. But no.

24 Q. Did Mr. Ray ever discuss that specific
25 topic with you?

1 A. The only thing he said is when he was
2 done to make sure everybody was out.

3 Q. Okay. I'm going to ask you about the
4 temperature when the sweat lodge ceremony ended and
5 then the temperature around 10:00 o'clock when you
6 left.

7 Did you make observations about the air
8 temperature in general when the ceremony was over?

9 A. It was cold.

10 Q. And what do you mean by "cold"?

11 A. You mean outside; right?

12 Q. Yes.

13 A. It was cold. It was really cold.

14 Q. How were you dressed?

15 A. I was dressed in pants and a shirt,
16 short-sleeved shirt.

17 Q. And were you cold?

18 A. I was freezing.

19 Q. And then by 10:00 p.m., when you left the
20 area, what was your observation about the air
21 temperature?

22 A. Freezing. Isn't that the same question
23 you just asked or did you say before and after?

24 Q. Before and after.

25 A. Before it was hot.

1 Q. When was it hot?
 2 A. **At 2:00 o'clock it was hot outside.**
 3 Q. And then two and a half hours later when
 4 the ceremony ended?
 5 A. **It was cooling. And it seemed normal**
 6 **temperature. And then by 10:00 it was freezing.**
 7 Q. Did you observe any efforts to cool down
 8 Liz Neuman after she had been pulled out of the
 9 tent?
 10 A. **Yes.**
 11 Q. What did you observe?
 12 A. **Ask the question again.**
 13 Q. What did you observe with respect to
 14 attempts to cool Liz Neuman down after she had been
 15 pulled out of the tent?
 16 A. **I put two cups of cold water, ice water,**
 17 **on her and left her with two other Dream Team**
 18 **members.**
 19 Q. What size of cups did you use?
 20 A. **Not too much bigger than these.**
 21 Q. The cups at the witness stand?
 22 A. **Yes.**
 23 Q. Where did you get the water from?
 24 MS. DO: Your Honor, for the record, are the
 25 cups 12-ounce sizes?

1 THE COURT: I can't see.
 2 THE WITNESS: 12, 14.
 3 MS. DO: Thank you.
 4 Q. BY MS. POLK: Where did you get the water
 5 from to fill the cup?
 6 A. **From Lou Caci's ice bucket water that he**
 7 **now wasn't using.**
 8 Q. And was anybody else bringing water over
 9 to cool Liz Neuman?
 10 A. **I was the first one there, and I left.**
 11 **So I don't know.**
 12 Q. With respect to James Shore, did you
 13 observe effort to cool him?
 14 A. **I made an effort, but Lou was trying to**
 15 **get him to breathe, and I didn't have any water.**
 16 Q. So what effort did you make?
 17 A. **To get him to breathe and pound on his**
 18 **back and try to get James Ray to do something**
 19 **because I didn't know what to do.**
 20 Q. I meant what effort did you make to cool
 21 James Shore, if any?
 22 A. **None.**
 23 Q. And with respect to Kirby Brown, did you
 24 make any effort to cool her?
 25 A. **No.**

1 Q. Did you see anybody else making efforts
 2 to cool Kirby Brown?
 3 A. **No.**
 4 Q. Did you see anybody else making efforts
 5 to cool James Shore?
 6 A. **No.**
 7 Q. When you -- did you touch James Shore?
 8 A. **Yes.**
 9 Q. Do you have a recollection of how his
 10 skin felt in terms of temperature?
 11 A. **No.**
 12 Q. And how about Kirby Brown? When you
 13 touched her, how did she feel? Do you remember?
 14 A. **No.**
 15 Q. And then same question with respect to
 16 Liz Neuman. Do you recall how she felt? Did you
 17 touch her?
 18 A. **Yeah. Yes, I touched her. She was hot.**
 19 **She'd just been pulled out.**
 20 MS. POLK: Thank you, Ms. Haley.
 21 Thank you, Your Honor. I have no further
 22 questions.
 23 THE COURT: Thank you, Ms. Polk.
 24 Ms. Do.
 25 MS. DO: Thank you, Your Honor.

1 CROSS-EXAMINATION
 2 BY MS. DO:
 3 Q. Good afternoon, Ms. Haley.
 4 A. **Good afternoon.**
 5 Q. You and I have actually met before you
 6 walked into this courtroom to talk to this jury;
 7 correct?
 8 A. **Correct.**
 9 Q. We met over the Christmas holidays of
 10 this past year down in San Diego while we were both
 11 in the area; correct?
 12 A. **I don't remember that.**
 13 Q. It was December 16, 2010. Does that
 14 refresh your recollection?
 15 A. **In San Diego?**
 16 Q. Yes. I'm sorry. Let me take that back.
 17 In Thousand Oaks; correct?
 18 A. **Thank you. Yes.**
 19 Q. I drove up from San Diego. Sorry. So
 20 you and I met in a police station in, I believe it
 21 was, Ventura County. Correct?
 22 A. **Correct.**
 23 Q. Thousand Oaks is the name of the city.
 24 A. **Yes.**
 25 Q. And that would have been on December 16,

1 2010; correct?
 2 **A. Yes.**
 3 **Q.** And Detective Diskin, who is sitting
 4 behind me, was there with us; right?
 5 **A. Yes.**
 6 **Q.** And on the telephone on a speaker was
 7 Ms. Polk; correct?
 8 **A. Yes.**
 9 **Q.** And I was there. You were kind enough to
 10 take some time out of your holidays to meet with me
 11 and talk about your prior statements; correct?
 12 **A. Yes.**
 13 **Q.** And you were aware that at the time that
 14 you and I spoke with Detective Diskin, there was a
 15 tape recorder on the table; correct?
 16 **A. Correct.**
 17 **Q.** In fact, we each had one.
 18 **A. Yes. You and the detective --**
 19 **Q.** Detective Diskin; correct?
 20 **A. Yes.**
 21 **Q.** Have you had a chance to review that
 22 audiotape?
 23 **A. No.**
 24 **Q.** Okay. And you and I talked about the
 25 prior statements that you had made about your

1 observation in this case to Detective Diskin and
 2 other detectives; correct?
 3 **A. Correct.**
 4 **Q.** And everything you told me on that day,
 5 to the best of your ability, was truthful and was
 6 accurate; correct?
 7 **A. Correct.**
 8 **Q.** The prior statement that you have made in
 9 this case would include -- would have included the
 10 one you made on October 8th, 2009, the very night
 11 of this accident; correct?
 12 **A. Excuse me. Could you say that again.**
 13 **Q.** The first statement that you made to
 14 anyone in this case would have been on
 15 October 8th, 2009, the night of this accident;
 16 correct?
 17 **A. Correct.**
 18 **Q.** And that was inside the -- I don't know
 19 if it's Crystal Hall. But it was inside the main
 20 dining hall; correct?
 21 **A. Can you repeat that again.**
 22 **Q.** All right. Do you need a break?
 23 **A. Well --**
 24 **Q.** Let me try it again. And that's fine.
 25 If you don't understand something I'm saying, I

1 don't mind you telling me that.
 2 October 8th, 2009, right after this
 3 incident occurred, you were interviewed by a
 4 detective named Steve Surak; correct?
 5 **A. Yes.**
 6 **Q.** And that occurred inside a dining hall at
 7 Angel Valley; correct?
 8 **A. Yes.**
 9 **Q.** And when you were being interviewed by
 10 Detective Surak, there were a lot of people in that
 11 room; correct?
 12 **A. No.**
 13 **Q.** You were by yourself with
 14 Detective Surak?
 15 **A. There were only about two or three people**
 16 **because I was the last one.**
 17 **Q.** All right. So before you there were a
 18 lot of people being interviewed; correct?
 19 **A. Yes.**
 20 **Q.** And you saw a lot of detectives from the
 21 Yavapai County Sheriff's Office; correct?
 22 **A. Not in the dining hall.**
 23 **Q.** At the scene?
 24 **A. Right.**
 25 **Q.** All right. So you were one of the last

1 folks to get interviewed that night. Is that what
 2 you're saying?
 3 **A. Yes.**
 4 **Q.** All right. When you spoke to
 5 Detective Surak, were you aware that you were being
 6 tape-recorded?
 7 **A. No. But --**
 8 **Q.** Okay. And has the state since that
 9 incident occurred told you that, in fact, it was
 10 tape-recorded?
 11 **A. I don't remember.**
 12 **Q.** Then I would assume that you have not had
 13 a chance to review that taped statement. Is that
 14 correct?
 15 **A. Correct.**
 16 **Q.** But you would agree that everything you
 17 told the detective that night right after the
 18 accident occurred was truthful and accurate.
 19 Correct?
 20 **A. Correct.**
 21 **Q.** Now, the next time you spoke to the
 22 detectives in this case was on December 16th, 2009,
 23 with Detectives Diskin and Polling; is that
 24 correct?
 25 **A. Can you say that again.**

1 Q. The next time you spoke to a detective
2 was then December 16th, 2009, with Detective Diskin
3 and another detective named Polling; is that
4 correct?

5 A. Yes. But the first time I talked to a
6 detective wasn't in the dining hall.

7 Q. Where was it at?

8 A. It was on site while there was the trauma
9 going on still at 10:00.

10 Q. All right. At some point, though, you
11 were pulled aside that very night and asked --
12 immediately after the accident occurred -- what
13 you'd seen what had happened?

14 A. I was pulled aside. On that picture over
15 by that tent, I was pulled aside then by a
16 detective and asked what was going on.

17 Q. Do you know if that statement was taped?

18 A. No, it wasn't.

19 Q. So what I want to make sure that we all
20 understand is that at some point when the ambulance
21 have left, the helicopters had left, the detectives
22 began to interview those folks who didn't go to the
23 hospital; correct?

24 A. I assume. Yes.

25 Q. And you were one of those people;

1 correct?

2 A. Yes.

3 Q. And so the statement I'm referring to,
4 the one given to Detective Surak, Steve Surak, was
5 the one that you gave away from the scene, away
6 from the sweat lodge ceremony, but in some kind of
7 a hall; right?

8 A. Right.

9 Q. All right. So we're clear on that?

10 A. Yes.

11 Q. All right. So the next time you spoke to
12 somebody was on December 16th, 2009, with
13 Detective Diskin and his partner,
14 Detective Polling; correct?

15 A. Yes.

16 Q. All right. And they -- in fact, I
17 believe, you drove out to your business in Ventura
18 County. Is that right?

19 A. Yes.

20 Q. Did you know at that time that the
21 detectives tape-recorded your statement?

22 A. Yes.

23 Q. And, in fact, you also taped it?

24 A. Yes.

25 Q. Have you had a chance to review your

1 taped statement?

2 A. No. My children taped over it.

3 Q. Okay. But you are aware that
4 Detective Diskin booked his tape into evidence;
5 correct?

6 A. Yes.

7 Q. Has the state given you a chance to
8 review your statement of December 16th, 2009?

9 A. If they sent it, I had been moving. I
10 didn't get it. I didn't see it.

11 Q. All right. The state, the prosecutor,
12 did send you something to review before you came
13 into court; correct?

14 A. I don't know.

15 Q. They might have. Is that your answer?

16 A. Yes.

17 Q. Okay. But what I want to make sure is
18 that every statement you've ever given before you
19 came into court today was truthful and accurate.
20 Correct?

21 A. Yes.

22 Q. All right. I would like to start with
23 2007, Ms. Haley, and talk to you about that a
24 little bit.

25 A. Okay.

1 Q. You went to the 2007 Spiritual Warrior
2 retreat as a participant; correct?

3 A. Yes.

4 Q. And before you signed up, before you
5 registered for that retreat, you learned about
6 Mr. Ray through a movie or a DVD called "The
7 Secret"; is that right?

8 A. Wrong. Incorrect.

9 Q. Let me start that over, then.

10 Somebody gave you the movie, The Secret,
11 but you chose not to watch it at that moment;
12 correct?

13 A. Right.

14 Q. And then your attorney at the time in an
15 unrelated matter told you he was looking for a DVD
16 called "The Secret"; correct?

17 A. Correct.

18 Q. You thought -- a light went on. I have
19 it?

20 A. Yes.

21 Q. You still hadn't looked at the movie;
22 correct?

23 A. Correct.

24 Q. You made a choice not to watch it;
25 correct?

- 1 **A. Correct.**
 2 **Q.** Then after that --
 3 **A. No. Not correct. I'm sorry. I didn't**
 4 **make a decision not to. I just hadn't yet.**
 5 **Q.** All right. At some point you did watch
 6 it?
 7 **A. Yes.**
 8 **Q.** Okay. But when your attorney at the time
 9 said to you, I would like to watch a movie called
 10 "The Secret," I can't find it, you said to him or
 11 you thought, well, I have it; correct?
 12 **A. Correct.**
 13 **Q.** Then after that you had a girlfriend -- I
 14 don't believe you gave a name. She said to you,
 15 I'm a business woman. I go to a lot of seminars to
 16 help me in my business. I'm going to one in
 17 New York. Correct?
 18 **A. Correct.**
 19 **Q.** And it happened to be the Harmonic Wealth
 20 weekend in New York that you attended?
 21 **A. Yes.**
 22 **Q.** And that was a seminar put on by James
 23 Ray International; is that correct?
 24 **A. Yes.**
 25 **Q.** Okay. And so you attended and this was

- 1 with a girlfriend who was attending for her
 2 business; correct?
 3 **A. Yes.**
 4 **Q.** So then it was after that that you then
 5 decided that you wanted to attend more of Mr. Ray's
 6 events; correct?
 7 **A. Correct.**
 8 **Q.** Because you found it to be, in your
 9 words, wonderful.
 10 **A. Yes.**
 11 **Q.** You found it to be, in your words,
 12 empowering; correct?
 13 **A. Yes.**
 14 **Q.** And I assume that given that you are a
 15 self-employed hair stylist, you were trying to find
 16 tools to make your business better. Correct?
 17 **A. Yes. Plus not just that, but yes.**
 18 **Q.** And plus I suppose spiritual tools to
 19 make you a better person?
 20 **A. To make a difference in the world.**
 21 **Q.** All right. And so you then signed up at
 22 some point after completing a number of other
 23 events, for the Spiritual Warrior retreat in 2007;
 24 correct?
 25 **A. Can you state that question again.**

- 1 **Q.** Sure. You then after attending a number
 2 of other events signed up for the Spiritual Warrior
 3 retreat in 2007?
 4 **A. Actually, no. I decided to sign up for**
 5 **Spiritual Warrior after a couple of seminars,**
 6 **because it'd only been a few. And his prices were**
 7 **going up so I paid ahead of time.**
 8 **Q.** Okay. So you choose to sign up ahead of
 9 time?
 10 **A. Right.**
 11 **Q.** Nobody made you do that?
 12 **A. No.**
 13 **Q.** All right. And so when you signed up for
 14 the Spiritual Warrior retreat, that year it took
 15 place in September; is that correct?
 16 **A. Yes.**
 17 **Q.** And September 22nd through the 28th of
 18 2007; correct?
 19 **A. Yes.**
 20 **Q.** And I believe the sweat lodge ceremony in
 21 that year occurred on September 27th, 2007. Is
 22 that correct?
 23 **A. I don't remember the dates. It sounds**
 24 **good. Yes.**
 25 **Q.** All right. No reason to dispute that?

- 1 **A. Right. No reason.**
 2 **Q.** All right. Now, I'm going to go straight
 3 to the day that you did the sweat lodge ceremony in
 4 2007. All right?
 5 **A. Okay.**
 6 **Q.** You said that that year you had gone in
 7 and left after the fourth round; is that correct?
 8 **A. Yes.**
 9 **Q.** Now, in total in 2007, there were
 10 actually 12 rounds conducted?
 11 **A. Yes.**
 12 **Q.** Is that correct?
 13 **A. Yes.**
 14 **Q.** Four rounds more than what occurred
 15 in 2009?
 16 **A. Yes.**
 17 **Q.** So with 12 rounds you actually went in
 18 three times and left twice; is that correct?
 19 **A. Yes.**
 20 **Q.** Okay. So let's talk about the first
 21 time. You went in and you did four rounds, and
 22 then you decided it was time for you to get out;
 23 correct?
 24 **A. Yes.**
 25 **Q.** So you made the choice to get up and get

1 out?

2 **A. I made a decision to wait until the door**
3 **opened to get up and get out.**

4 **Q.** Okay. And you were able to get out;
5 right?

6 **A. Yes.**

7 **Q.** No one stopped you?

8 **A. No.**

9 **Q.** And when you got out, you had the
10 opportunity to cool off, drink some water?

11 **A. No.**

12 **Q.** No?

13 **A. Cooled off.**

14 **Q.** Cooled off. And you waited until you
15 felt better --

16 **A. No.**

17 **Q.** Go ahead.

18 **A. I didn't -- I'm just saying no.**

19 **Q.** So you're telling me you came out after
20 four rounds. And what did you do?

21 **A. I let them cool me off.**

22 **Q.** So they hosed you off?

23 **A. Yes.**

24 **Q.** I'm sorry. That's what I meant. You
25 cooled off. Somebody hosed you down; correct?

1 **A. Right.**

2 **Q.** And then you waited a little bit more --

3 **A. No.**

4 **Q.** Let me finish. You waited until the next
5 round began, then you went in; correct?

6 **A. You mean round five?**

7 **Q.** Yes.

8 **A. Yes.**

9 **Q.** Okay. So you got hosed off, and then you
10 decided you felt better. And so you made the
11 choice to go back inside; correct?

12 **A. I didn't feel better, but I made a choice**
13 **to go back in anyway.**

14 **Q.** Nobody made you go back in; correct?

15 **A. No.**

16 **Q.** Nobody coerced you?

17 **A. No.**

18 **Q.** Nobody told you you had to go back in?

19 **A. No.**

20 **Q.** So you chose?

21 **A. Yes.**

22 **Q.** So you go back inside and you do another
23 four rounds. And you decide again you wanted to
24 leave; correct?

25 **A. Yes.**

1 **Q.** And so you made the choice, the decision,
2 to get up and get out?

3 **A. Yes.**

4 **Q.** And so when you got out, did someone hose
5 you down again?

6 **A. Yes. But I couldn't get up and get out.**
7 **I crawled out.**

8 **Q.** You got out and someone hosed you down;
9 correct?

10 **A. Correct.**

11 **Q.** And when you wanted to leave that second
12 time, again, nobody stopped you; correct?

13 **A. Correct.**

14 **Q.** Nobody forced you to stay; correct?

15 **A. What? The last four rounds?**

16 **Q.** We're talking about the second time that
17 you left now; right?

18 **A. Right.**

19 **Q.** Nobody forced you to stay; correct?

20 **A. Right.**

21 **Q.** And I assume other people -- do you
22 remember how many people were in the sweat lodge
23 ceremony that year?

24 **A. About 52 to 60.**

25 **Q.** Same number of people; correct?

1 **A. Right.**

2 **Q.** But twelve rounds instead of eight
3 rounds?

4 **A. I'm not really clear on when I went back**
5 **in. I was told that was it.**

6 **Q.** Okay. I'm still on the second time. You
7 go back in. Now, this is the second time you've
8 gone back in; correct?

9 **A. Right. Okay.**

10 **Q.** Is that right?

11 **A. Right. I went in three times.**

12 **Q.** That's correct. So you go in -- I'm
13 talking about the second time. You go back in the
14 second time. Nobody made you go back in the second
15 time; correct?

16 **A. No.**

17 **Q.** Completely your choice?

18 **A. Yes. Screaming and crying. Yes.**

19 **Q.** Then you do another four rounds, and that
20 was the end of the ceremony; is that correct?

21 **A. On the second one?**

22 **Q.** You've gone back in now.

23 **A. Right.**

24 **Q.** You've done another four rounds.

25 **A. All right. And I came out.**

1 Q. Correct. Now, this would have been the
2 third time you came out?

3 A. **Second time.**

4 Q. This is like who's on first base.

5 Let me try it again. There were twelve
6 rounds; correct?

7 A. **Right. So I go in the first time.**

8 Q. You do four rounds?

9 A. **Second time I do four rounds.**

10 Q. You go back out?

11 A. **Right.**

12 Q. You go back in?

13 A. **Third time I go in and I'm told that's
14 it. And I stay four more rounds.**

15 Q. Okay. So we're clear, you did four
16 rounds. You left. You went back in. You did four
17 rounds. You left. You went back in. You did four
18 rounds, and you finished the ceremony; correct?

19 A. **Yes.**

20 Q. Now, once you finished the ceremony, you
21 came out and you were actually, according to your
22 words, recouped quite well. Correct?

23 A. **Correct.**

24 Q. In fact, in your own words, you said you
25 bounced back right away?

1 A. **Yes.**

2 Q. So you were feeling fine?

3 A. **Yes.**

4 Q. You knew when you were in the sweat lodge
5 that year that if you at any time felt you were in
6 danger that you could get up and get out; correct?

7 A. **No. I didn't feel that way.**

8 Q. Did you on December 16th, 2010, when you
9 were asked by me during a taped interview, answer
10 that I felt that when I was in danger, as soon as I
11 felt in danger, I ended up leaving, getting cooled
12 off and going back in two different times? So
13 every four rounds I got cooled off? So I was good?
14 Correct?

15 A. **Correct.**

16 Q. And you were able to do that?

17 A. **Just not when I felt it. I waited until
18 that door was opened. I felt that way prior to the
19 door being opened.**

20 Q. Okay. But you knew you could leave at
21 any time you needed to; correct?

22 A. **I didn't feel I could leave at any time.
23 He said you have the opportunity to leave when the
24 door's open. I took it as that meant you couldn't
25 leave.**

1 Q. Let me say it this way, Ms. Haley. You,
2 in fact, were able to leave any time you felt you
3 needed to?

4 A. **No.**

5 Q. The first four rounds you felt you were
6 in danger and you left; correct?

7 A. **When the door opened.**

8 Q. Yes. I understand that --

9 A. **But I felt in danger prior to the door
10 being open.**

11 Q. You didn't wait until the fifth or the
12 sixth round. You left after the fourth round; is
13 that correct?

14 A. **Right.**

15 Q. Mr. Ray didn't tell you you had to leave
16 after the fourth round, did he?

17 A. **No. He didn't tell me to leave in the
18 third round either.**

19 Q. In fact, he didn't tell you when to
20 leave? You choose when to leave; correct?

21 Is that right?

22 A. **Yes.**

23 Q. Okay. Now, I know you've talked to this
24 jury about an event in 2007 dealing with a
25 participant named Hermia Nelson. And we're going

1 to get to that. Do you remember that?

2 A. **Yes.**

3 Q. Okay. Other than what you told this jury
4 had happened to Hermia Nelson, nothing else
5 happened that year; correct?

6 A. **As far as I know.**

7 Q. You didn't see any other participant, the
8 other 60 or 62 participants, in that year after
9 twelve rounds sick or vomiting or anything else;
10 correct?

11 A. **I was incoherent during a lot of it. So
12 I couldn't have been aware.**

13 Q. Incoherent during what?

14 A. **I'm coming out getting cooled off. I
15 fell like I'm going to die. I'm screaming, crying.
16 Really I'm only thinking about my own survival at
17 that point. I became coherent when it was over and
18 I came out.**

19 Q. And how long did it take you?

20 A. **5 minutes, 10 minutes.**

21 Q. Within a snap you bounced back; correct?

22 A. **Then, right.**

23 Q. So within five minutes you bounce back.
24 You're looking around. People have come out the
25 sweat lodge. And nobody except for Hermia Nelson

1 was in any kind of problems or trouble; correct?
 2 **A. Not that I noticed. It wasn't my job,**
 3 **though. I wasn't looking.**
 4 **Q.** I understand that. But you were there;
 5 correct?
 6 **A. Right.**
 7 **Q.** And so you come out of the sweat lodge,
 8 and there is a lot of people there; correct?
 9 **A. Right.**
 10 **Q.** And you're right in the mix of it;
 11 correct?
 12 **A. Yes.**
 13 **Q.** And so based upon you being right there
 14 right in the mix, you didn't see anyone else except
 15 for Hermia Nelson -- and we'll get there -- have
 16 any problems; correct?
 17 **A. Correct.**
 18 **Q.** And that was after doing 12 rounds;
 19 correct?
 20 **A. Correct.**
 21 **Q.** Now, Hermia Nelson -- are you friends
 22 with her?
 23 **A. Who?**
 24 **Q.** Hermia Nelson.
 25 **A. I know her.**

1 **Q.** Okay. So is it fair to say that you
 2 haven't spoken to her since the 2007 sweat lodge
 3 ceremony?
 4 **A. No. I talked to her after 2007 a couple**
 5 **times.**
 6 **Q.** When was the last time you spoke to her?
 7 **A. 2009 she came to one of the dinners, said**
 8 **hi. She didn't sit with us.**
 9 **Q.** Okay. And several people came to a
 10 dinner. Let me make sure the jury understands
 11 this.
 12 There were several people who came into
 13 Sedona to have dinner with you and James and the
 14 other Dream Team members but didn't actually stay
 15 for the five-day retreat; correct?
 16 **A. Correct.**
 17 **Q.** And Hermia Nelson was one of them?
 18 **A. Correct.**
 19 **Q.** A woman named Caron Wendt was another
 20 one; correct?
 21 **A. I don't know. I don't know her name.**
 22 **Q.** You're not saying she wasn't there?
 23 **A. Right. I'm just saying I don't know her**
 24 **name.**
 25 **Q.** So that would have been the last time

1 that you spoke to Hermia Nelson; is that right?
 2 **A. Yes.**
 3 **Q.** All right. Let's talk about what
 4 happened to her in 2007. You said that while you
 5 were you inside the sweat lodge ceremony -- were
 6 you sitting next to Hermia?
 7 **A. The last four rounds.**
 8 **Q.** Okay. You noticed that she was sort of
 9 having a challenge -- right? -- completing the rest
 10 of the ceremony? Is that right?
 11 **A. With all of us. Yes.**
 12 **Q.** And you actually encouraged her?
 13 **A. Yes.**
 14 **Q.** You can do it Hermia, you said. Right?
 15 **A. I said, you're doing good.**
 16 **Q.** Okay. Did you ever encourage her to
 17 stick it out?
 18 **A. No. I just said, you're doing good.**
 19 **Q.** You've never said to anyone that you
 20 encouraged her to stick it out?
 21 **A. That could have been construed --**
 22 **Q.** Okay.
 23 **A. -- as that.**
 24 **Q.** All right. So based upon what you were
 25 doing, is it fair to say that what you were

1 doing -- whether you use those words or not, it's
 2 fair to say that you were encouraging her to push
 3 through; is that right?
 4 **A. Sure.**
 5 **Q.** And you didn't think that there was
 6 anything wrong with you supporting another
 7 participant, encouraging her, to make it through;
 8 correct?
 9 **A. No. I didn't see anything wrong with**
 10 **that.**
 11 **Q.** Nothing wrong with you doing that?
 12 **A. No.**
 13 **Q.** All right. So you complete the ceremony.
 14 You come out, take five minutes. You bounce right
 15 back. And then you notice that Hermia hadn't come
 16 out.
 17 Is that what you're testimony is?
 18 **A. No. Not that -- I noticed that Sandy was**
 19 **pulling Hermia out.**
 20 **Q.** And this would be Sandy Williams?
 21 **A. Right.**
 22 **Q.** I believe he's from Scotland. Is that
 23 correct?
 24 **A. I believe he's out of the country.**
 25 **Scotland, Australia. I don't know.**

1 Q. And that year he was a Dream Team member,
2 meaning he volunteered; correct?
3 A. Yes.
4 Q. And it's your testimony to this jury that
5 he went and he pulled Hermia out; is that right?
6 A. Yes.
7 Q. And right then and there you saw that she
8 was unconscious?
9 A. Yes.
10 Q. Is that your testimony to this jury?
11 A. Yes.
12 Q. And so when Sandy pulled her out and she
13 was unconscious, that must have really scared you;
14 correct?
15 A. Yes.
16 Q. Because somebody was out; correct?
17 A. Passed out.
18 Q. So completely not responsive; correct?
19 A. Right.
20 Q. Eyes closed?
21 A. Yes.
22 Q. Yes?
23 A. Yes.
24 Q. And at that moment when you see another
25 person pull Hermia out unresponsive, unconscious,

1 eyes closed, you must have thought right then and
2 there this is life threatening; correct?
3 A. Yes.
4 Q. You must have thought right then and
5 there this is dangerous?
6 A. Yes.
7 Q. Correct?
8 A. I did when I said she needs to go to the
9 hospital and we're in the golf cart and we're not
10 doing that. Then I realized this is dangerous.
11 Q. And you said that to Sandy Williams;
12 right?
13 A. I said to Sandy Williams, we should bring
14 her to the hospital.
15 Q. And Mr. Williams ignored you is your
16 testimony; is that right?
17 A. Yes.
18 Q. So then you and Sandy Williams -- was
19 anyone else in the golf cart, by the way?
20 A. No.
21 Q. Just the three of you. You then drive
22 Ms. Nelson up to a cabin where you proceed to put
23 her in a shower; is that correct?
24 A. Sandy drove her to a shower, and I helped
25 him carry her to the shower. Yes.

1 Q. And she was still unconscious?
2 A. Yes.
3 Q. Still unresponsive?
4 A. Yes.
5 Q. Still eyes closed?
6 A. Yes.
7 Q. You're still thinking it's life
8 threatening?
9 A. Yes.
10 Q. You're still thinking it's dangerous;
11 correct?
12 A. Yes.
13 Q. And so then you proceed -- you and Sandy
14 brought her in and proceed to put her in a shower;
15 is that correct?
16 A. Yes.
17 Q. And that was because you thought -- was
18 it cold -- first of all, a cold shower?
19 A. Sandy was doing the water. I was just
20 helping him do whatever it was he was supposed to
21 do. And he was having a hard time carrying a
22 110-pound girl.
23 Q. All right. And so you put her into the
24 shower -- you and Sandy; is that right?
25 A. Yes.

1 Q. And at some point you decide the shower
2 is not enough and said you need to put her in a
3 bathtub; correct?
4 A. No. The first thing I said is, stay
5 here. I'll be right back.
6 And I ran up to the dining hall. And I
7 got an orange and I cut it up. And I opened her
8 mouth and I started squeezing it in her mouth, and
9 it started dripping down.
10 Q. So your reaction at this point to a
11 life-threatening, dangerous situation was to go get
12 blood -- or orange; right? Is that what it is?
13 A. Yes. Because nobody is doing anything.
14 Q. You come back with that. She's still in
15 the shower. And at some point you or Sandy decide
16 she needs to go in the bathroom; correct?
17 A. Sandy did.
18 Q. Sandy carried her to the bathtub?
19 A. Sandy decided and I helped him again.
20 Q. Okay. And was this bath cold or hot? Do
21 you know? Or warm?
22 A. Luke.
23 Q. Lukewarm?
24 A. Yes.
25 Q. Is that correct?

1 **A. Yes.**
 2 **Q.** It wasn't a cold ice bath?
 3 **A. No. The shower was cold. The bath was**
 4 **luke.**
 5 **Q.** And is it your testimony to this jury
 6 under oath that Ms. Nelson remained unconscious
 7 through the shower?
 8 **A. No.**
 9 **Q.** She'd woken up, according to you?
 10 **A. She started to talk, couldn't open her**
 11 **eyes or move her body. But she could now move her**
 12 **lips.**
 13 **Q.** And was she coherent?
 14 **A. I don't know how coherent that is.**
 15 **Q.** Well, you said she was talking; correct?
 16 Did she make sense?
 17 **A. It was a word or two. And I don't know**
 18 **what she said.**
 19 **Q.** And now at this time somebody else joined
 20 you? A Dr. Lynn, you said?
 21 **A. Yes.**
 22 **Q.** That doctor is Dr. Lynn Hughes; correct?
 23 **A. Yes.**
 24 **Q.** And Dr. Lynn Hughes, as you know from
 25 being there for five days with the 60 or 62

1 participants, was a doctor; correct?
 2 **A. Right. A doctor.**
 3 **Q.** A sports doctor?
 4 **A. I didn't know what kind of doctor he was.**
 5 **Q.** Okay. So you're not disputing that he
 6 could have been, because you just don't know, a
 7 sports doctor; correct?
 8 **A. Right.**
 9 **Q.** And were you aware that Dr. Lynn Hughes
 10 was a sports doctor who volunteered for Doctors
 11 Without Borders?
 12 MS. POLK: Objection, Judge. Foundation.
 13 **Q.** BY MS. DO: If you know.
 14 **A. No. I don't know.**
 15 **Q.** But this is who joined you; right?
 16 Dr. Lynn Hughes?
 17 **A. For a little bit.**
 18 **Q.** All right. And at that time I imagine
 19 you're still thinking --
 20 THE COURT: Ms. Polk?
 21 MS. POLK: It's just that the state made an
 22 objection and there was no opportunity for the
 23 Court to rule.
 24 THE COURT: There was an answer. No. But
 25 it's been answered. The answer was, I think, no.

1 **Continue.**
 2 MS. DO: Thank you, Your Honor.
 3 **Q.** And at this time Ms. Nelson is still not
 4 able to move. Is that what your testimony is?
 5 **A. Right.**
 6 **Q.** But she had at least opened her eyes;
 7 correct?
 8 **A. No.**
 9 **Q.** Her eyes were still closed?
 10 **A. Right.**
 11 **Q.** Still not responsive?
 12 **A. She can move her mouth, but she can't**
 13 **open her eyes or use her body before we put her in**
 14 **the bathtub.**
 15 **Q.** Okay. And at this time Dr. Hughes
 16 joined; correct?
 17 **A. No. He joined after she was in the**
 18 **bathtub.**
 19 **Q.** Okay. Was she still in the tub?
 20 **A. She was in the tub when Dr. Lynn came in.**
 21 **Q.** All right. That's what I wanted to know.
 22 So Dr. Hughes shows up and Ms. Nelson is
 23 still in this bathtub, this lukewarm bathtub. And
 24 your testimony is she still couldn't open her eyes?
 25 **A. No. Then by the time we got her in the**

1 **bathtub, she could open her eyes and she started to**
 2 **be able to move.**
 3 **Q.** All right. I guess I misheard you. You
 4 must have still been thinking at this time -- how
 5 much time had passed, by the way, from the time you
 6 carted her off from the sweat lodge to the time
 7 that she first opened her eyes?
 8 **A. Two hours.**
 9 **Q.** Two hours?
 10 **A. Two hours.**
 11 **Q.** Two hours this woman was unconscious;
 12 correct?
 13 **A. No. Two hours till she could get out of**
 14 **that bathtub and move on her own without being**
 15 **watched.**
 16 **Q.** Okay. So that's not my question. My
 17 question is how much time passed from the time you
 18 and Sandy carted her off from the sweat lodge
 19 structure to the time that she first opened her
 20 eyes?
 21 **A. I don't know. I'm not sure. If I would**
 22 **have to guess --**
 23 **Q.** Don't guess. Give me your best estimate,
 24 if you can.
 25 **A. My best estimate would be 40 minutes.**

1 **Q.** So for 40 minutes this woman couldn't
 2 open her eyes, couldn't respond, couldn't move; is
 3 that correct?
 4 **A.** **Wrong. She could move her mouth. So it**
 5 **took her about -- after I put the orange in her**
 6 **mouth, about five minutes. Three to five minutes**
 7 **after I did that, she was able to move her mouth**
 8 **and talk a little bit and not move. So she's**
 9 **somewhat responsive.**
 10 **Q.** But still a situation that you would
 11 regard as being life threatening; correct?
 12 **A.** **Well, I was feeling better.**
 13 **Q.** Still dangerous?
 14 **A.** **Still dangerous and --**
 15 **Q.** In fact, under direct earlier you told
 16 Ms. Polk you still thought she should have gone to
 17 the hospital at that moment; right?
 18 **A.** **Yes.**
 19 **Q.** And I'm sure if you voiced that over and
 20 over and over to Sandy Williams --
 21 **A.** **No. I didn't over and over. I did it a**
 22 **couple times. And then I just -- he's the Dream**
 23 **Team member, so I started to follow him. But then**
 24 **he left me in the bathtub, and he wasn't watching**
 25 **her. So I watched her.**

1 **And then Dr. Lynn ended up coming in the**
 2 **bathroom and -- you know -- sat with me for a while**
 3 **with her and then he moved on.**
 4 **Q.** Well, did you tell the doctor -- the
 5 doctor that this was a dangerous situation and that
 6 you thought she should have gone to the hospital?
 7 **A.** **Not really.**
 8 **Q.** Do you want me to repeat the question?
 9 **A.** **No.**
 10 **Q.** Did you understand it? Did you tell the
 11 doctor that you thought that this was a dangerous
 12 situation and this woman needed to go to the
 13 hospital?
 14 **A.** **No.**
 15 **Q.** Did the doctor ever say we need to call
 16 911?
 17 **A.** **No. Because by then she's responsive.**
 18 **Had he seen her prior, I don't know what he would**
 19 **have said.**
 20 **Q.** Now, you haven't talked to Dr. Hughes;
 21 correct?
 22 **A.** **No.**
 23 **Q.** So you have no idea whether he would
 24 recall this event the same way that you are at this
 25 moment; correct?

1 **A.** **I'm pretty confident that he would.**
 2 **Q.** All right. And you haven't talked to
 3 Hermia about this; correct?
 4 **A.** **Right.**
 5 **Q.** So you don't know whether or not she
 6 would recall the event the same way you're
 7 recalling it now; correct?
 8 **A.** **I couldn't imagine she could.**
 9 **Q.** All right. Let me ask you this: Given
 10 what you've told this jury, that, in fact, you said
 11 the reason why you didn't want to do the sweat
 12 lodge in '09 is because '07 was dangerous.
 13 Correct?
 14 **A.** **Correct.**
 15 **Q.** And what you had gone through with Hermia
 16 Nelson was very scary and it was startling;
 17 correct?
 18 **A.** **Yes.**
 19 **Q.** And so I'm sure that you were upset about
 20 this for some time. Correct?
 21 **A.** **Yes. I was disturbed.**
 22 **Q.** You were disturbed. You remained
 23 disturbed; right?
 24 **A.** **Yes.**
 25 **Q.** Now, I had asked you earlier whether you

1 recall the sweat lodge ceremony taking place in
 2 September 2007; correct?
 3 **A.** **Yes.**
 4 **Q.** And Ms. Polk had asked you under direct
 5 examination, I think, a couple days ago about
 6 something called a "syntax." Do you remember that?
 7 **A.** **Yes.**
 8 **Q.** And a syntax is, basically, a very
 9 detailed schedule about the warrior retreat;
 10 correct?
 11 **A.** **Right.**
 12 **Q.** Would it help you refresh your memory as
 13 to the exact dates of the 2007 Spiritual Warrior
 14 retreat to look at a syntax for that year?
 15 **A.** **I think it would probably be too busy.**
 16 **No.**
 17 **Q.** So you wouldn't even want to look at it?
 18 **A.** **Not right now. If I do, I'll ask. But**
 19 **at this time no. I think it would confuse me.**
 20 **Q.** Well, let me ask you this: I'm not
 21 trying to confuse you. What I'm asking you is do
 22 you recall right now, so the jury can have an
 23 accurate date, whether or not the sweat lodge
 24 occurred on September 27th, 2007?
 25 **A.** **Okay. I guess the syntax would help me.**

1 Q. All right. Give me one moment,
2 Ms. Haley.

3 May I approach the witness, Your Honor?
4 THE COURT: Yes.

5 Q. BY MS. DO: I'm going to hand you what's
6 been marked Exhibit 738 and have you look through
7 it. But then I want you to if you can --

8 MS. POLK: Your Honor, the state has an
9 objection. May we approach?

10 THE COURT: Yes.

11 Q. BY MS. DO: Just so I can complete the
12 record, it was page 10 I was going to ask you to
13 look at.

14 (Sidebar conference.)

15 MS. POLK: Your Honor, this is a disclosure
16 violation. This has never been disclosed to the
17 state. It was just handed to me right now in
18 court.

19 MS. DO: Your Honor, based upon the witness's
20 direct examination the last two days, I just
21 received this late last night at 12:00. I didn't
22 expect to use it unless it's going to refresh her
23 memory.

24 THE COURT: It's not going to be admitted?

25 MS. DO: No.

1 THE COURT: Well, an item can be used to
2 refresh recollection if it really does that, if
3 there is just foundation for that. It will not be
4 an exhibit.

5 MS. POLK: I would ask if there is a
6 designational exhibit that defense is going to use
7 that they would timely disclose it to the state?

8 MS. DO: I agree.

9 THE COURT: Thank you, Counsel.

10 (End of sidebar conference.)

11 Q. BY MS. DO: Ms. Haley, have you had a
12 chance to look at Exhibit 738?

13 A. Page 10.

14 Q. All right. And this looks similar to the
15 syntax Ms. Polk showed you regarding the 2009
16 event; correct?

17 A. Yes.

18 Q. And on page 10, looking at that, does it
19 refresh your recollection that the sweat lodge
20 ceremony occurred on that day beginning at 2:40 and
21 ending when you guys had dinner at about 6:25 p.m.?

22 A. Can you repeat that question, please?

23 Q. Sure. Looking at page 10 of Exhibit 738,
24 does that help you remember that the sweat lodge
25 ceremony occurred on September 27th, 2007,

1 beginning at about 2:40 p.m. and being over by the
2 time you had dinner at 6:25 p.m.?

3 A. Yes. 5:40.

4 Q. Did I misread that? Well, the sweat
5 lodge, according to the syntax, began at 2:40 p.m.;
6 correct?

7 A. And it went three hours. So 5:40.

8 Q. And that was when there was something
9 called "free-time clean up"; correct?

10 A. Right.

11 Q. But dinner began at 6:25; is that
12 correct?

13 A. Yes.

14 Q. Ms. Haley, I'm going to show you a few
15 photographs. And I'm asking you if you recognize
16 the people depicted in these photographs.

17 I'm going to hand you a photograph that's
18 been marked as Exhibit 740. Do you recognize that?

19 A. James Ray, Hermia Nelson.

20 Q. Let me correct that. That was 739.

21 Your Honor, now that the witness has
22 recognized it, may I publish it to the jury?

23 THE COURT: It's being offered and Ms. Polk --

24 MS. DO: I'm sorry. May I move it into
25 evidence?

1 MS. POLK: Your Honor, the state has an
2 objection, the same objection we made approaching
3 the bench. And then there's further objections,
4 other written information on the front. And I'm
5 not sure which exhibit is being shown. The state
6 has not seen these exhibits before.

7 THE COURT: So you are objecting to 739?

8 MS. POLK: Yes, Your Honor.

9 THE COURT: Sustained.

10 Q. BY MS. DO: Do you recognize these people
11 depicted in Exhibit 739?

12 A. Yes.

13 Q. And that's Hermia Nelson; is that
14 correct?

15 A. Yes.

16 Q. And that's Mr. Shore; correct? I'm
17 sorry. Excuse me. Mr. Ray; correct?

18 A. Yes.

19 Q. And do you see a time stamp and a date
20 stamp at the bottom of Exhibit 739?

21 A. 2007, 7:45.

22 Q. September 27th, 2007, at 7:45?

23 A. Okay. I can't read that part.

24 Q. But you can see the time; correct?

25 A. Yes.

1 Q. And looking at that photograph, do you
2 recognize it as being a photograph taken at the
3 Spiritual Warrior retreat in 2007?

4 A. Yes.

5 Q. And that's Ms. Nelson. That's the person
6 you've been telling this jury has been unconscious;
7 correct?

8 A. Yes.

9 MS. DO: Your Honor, at this time I'd request
10 that it be published. I believe there is
11 sufficient foundation. The defense moves it into
12 evidence.

13 THE COURT: Ms. Polk?

14 MS. POLK: Your Honor, same objection as
15 before, the discovery issue. And then I would ask
16 to voir dire the witness regarding this photograph.

17 THE COURT: Do you want to voir dire the
18 witness?

19 MS. POLK: Yes.

20 THE COURT: Okay. You may do that.

21 MS. DO: If I could, then, let me proceed with
22 the other two photographs that Ms. Polk wants to
23 voir dire as to all three.

24 THE COURT: We'll take them one at a time.

25 MS. POLK: May I see what the witness is

1 looking at?

2 What the witness is looking at does not
3 have an exhibit stamp on it.

4 THE COURT: All right.

5 MS. DO: I apologize, Ms. Polk. I gave her
6 the copies instead of the actual exhibits.

7 VOIR DIRE EXAMINATION

8 BY MS. POLK:

9 Q. And, Ms. Haley, I'm going to have you
10 look at what's been marked as Exhibit 739. Look at
11 that for a moment. There is some information that
12 is typed across the bottom. Do you see the
13 information?

14 A. The time?

15 Q. Yes. Do you see a date?

16 A. 2007 --

17 Q. I don't want you to read it for me. I
18 just want to ask if you see that information. Do
19 you see a date?

20 A. No. I see the year.

21 Q. Okay. And then you also see what appears
22 to be a time stamp?

23 A. Yes.

24 Q. And then below that there's some more
25 written information?

1 A. I don't have any on this. You're looking
2 at it.

3 Q. Go ahead and look at 739. And do you see
4 there is a date and a time stamp? Do you know
5 where that information came from -- that date and
6 that time stamp.

7 A. No.

8 Q. And do you know if that date and that
9 time stamp are necessarily accurate?

10 A. No.

11 Q. And, in fact, are you familiar with
12 cameras that you have to actually set or reset date
13 and time stamp?

14 A. Yes.

15 MS. POLK: Your Honor, the state renews our
16 objection.

17 THE COURT: The objection is sustained.

18 CROSS-EXAMINATION (Continued)

19 BY MS. DO:

20 Q. Ms. Haley, you would have no information,
21 would you, that these photos came from Ms. Hermia
22 Nelson, would you?

23 A. No.

24 Q. And although you can't, I understand
25 that. And I didn't ask you whether or not you

1 could verify the time and date on the photographs.

2 But looking at the photograph, since you
3 were there, this photograph was taken after the
4 sweat lodge ceremony on September 27th, 2007;
5 correct?

6 A. Yes.

7 Q. And you remember that because you were
8 there; correct?

9 A. Yes.

10 Q. And the time stamp -- and I'm not asking
11 you to verify it -- does say 7:45; correct?

12 A. Yes.

13 Q. And based upon your own recollection,
14 this photograph was clearly taken after the sweat
15 lodge ceremony on September 27th; correct?

16 A. Yes.

17 MS. DO: Your Honor, at this time, the defense
18 moves it into evidence and we'd ask to publish it.

19 THE COURT: Ms. Polk?

20 MS. POLK: Your Honor, same objection. The
21 date and time stamp is classic hearsay. This
22 witness cannot lay a foundation for the date and
23 time of this photograph.

24 THE COURT: Sustained.

25 MS. DO: Then, Your Honor, at this time the

1 defense would offer Exhibit 739 with the date and
2 time redacted at this time. May we move it into
3 evidence?

4 THE COURT: I'm just waiting for Ms. Polk's
5 response.

6 MS. POLK: Your Honor, the state has the
7 remaining issue, which is the discovery violation.

8 THE COURT: Sustained at this time.

9 MS. DO: All right. Let me move on.

10 Q. Ms. Haley, I'm going to show you --
11 actually, you have them.

12 And, again, you don't know whether these
13 photographs came from Ms. Nelson; correct?

14 A. **I don't know.**

15 Q. We just looked at 739, which you
16 identified as Hermia Nelson and Mr. Ray?

17 A. **Correct.**

18 Q. Would you agree with me that Ms. Nelson
19 looks quite happy in the photograph?

20 A. **Yes.**

21 MS. POLK: Your Honor, objection.

22 THE COURT: Sustained. The exhibit has not
23 been admitted, and there will not be testimony
24 about the exhibit.

25 Q. BY MS. DO: I'm going to show you what's

1 been marked as Exhibit 740. Do you recognize
2 what's depicted in that photograph?

3 A. **A group I was working with.**

4 Q. Do you see yourself in that photograph?

5 A. **Yes.**

6 Q. And do you see Hermia Nelson in that
7 photograph?

8 A. **Yes.**

9 Q. Do you also see Sandy Williams in that
10 photograph?

11 A. **No.**

12 Q. That's not Sandy Williams?

13 A. **No.**

14 Q. All right. Looking at the photo that's
15 been marked as Exhibit 741, the next one, again,
16 that's Ms. Nelson; correct?

17 A. **Yes.**

18 Q. And do you know who she's with?

19 A. **Sandy Williams.**

20 Q. And that's the Sandy Williams you said
21 pulled her out unconscious; correct?

22 A. **Correct.**

23 Q. And, again, all three of these
24 photographs -- 739, 740, and 741 -- were taken
25 after the sweat lodge ceremony ended on

1 September 27, correct?

2 A. **That night. Yes.**

3 Q. Now, taking a look at Exhibit 740, the
4 one with the group, you're in the middle of that
5 group; correct?

6 A. **Yes.**

7 Q. And at the time it looks like you had a
8 bob or a short haircut?

9 A. **Yes.**

10 Q. And that relates back to when they
11 offered the haircut, you elected to just cut off
12 your ponytail; correct?

13 A. **Yeah. I created that one.**

14 Q. You gave yourself a bob that equaled a
15 type that was quite stylish, that you got a lot of
16 compliments on?

17 A. **Later. Not that.**

18 Q. Now, looking at this photograph that was
19 taken right after the sweat lodge ceremony, does it
20 remind you or refresh your memory as to how you
21 were that day? What was your mood after the sweat
22 lodge ceremony?

23 A. **Yes.**

24 Q. And what is that?

25 A. **Well, which part of after the ceremony?**

1 **During this picture?**

2 Q. In this picture.

3 A. **In this picture what am I feeling? Am I**
4 **smiling?**

5 Q. Let me ask you this question, Ms. Haley:
6 Are you smiling in this photograph?

7 A. **Yes.**

8 Q. Is the group smiling?

9 A. **Yes.**

10 MS. POLK: Your Honor, objection to
11 continued --

12 THE COURT: Sustained.

13 MS. DO: Your Honor, may we take the break at
14 this moment?

15 THE COURT: It's very close.

16 Ladies and gentlemen, we'll take the
17 afternoon recess. Please reassemble at 20 after.

18 (Recess taken.)

19 (Proceedings continued outside presence
20 of jury.)

21 THE COURT: The record will show that the jury
22 has left for the afternoon recess.

23 Ms. Polk.

24 MR. LI: Your Honor, the witness should be --

25 THE COURT: I'm sorry. When I indicate, you

1 can step down as well. You are free to leave even
2 though the jury is leaving.

3 Thank you, Mr. Li.

4 Wait just a minute, Ms. Polk.

5 Please go ahead.

6 MS. POLK: Your Honor, the state objects to
7 all four of these exhibits. They are -- syntax was
8 numbered as Exhibit 738, and we have three
9 photographs that are 739, 740, and 741.

10 First, because of the discovery
11 violation, these documents have never been provided
12 to the state. Of course, Arizona is a state -- a
13 full-disclosure state. And the state simply has
14 not had the opportunity to even know what these
15 photographs are, what the syntax is, to find out
16 when they were taken, who's in them, whether or not
17 they accurately depict anything.

18 So the state's first objection is to any
19 continued use of exhibits, but in particular, these
20 three exhibits, because they were not disclosed to
21 the state in compliance with the rules.

22 And even if they were discovered late by
23 the defense, they were not -- they were just,
24 frankly, handed to the state during the examination
25 of this witness. So they weren't even provided to

1 the state within the last day or so or whenever,
2 perhaps, they were obtained by the defense.

3 The state does not have the opportunity,
4 Your Honor, because of that disclosure violation to
5 timely conduct any sort of discovery to find out
6 who took the photographs and to interview the
7 person who took the photographs so that we can know
8 what we're dealing with.

9 The first objection is that this is a
10 disclosure violation. And on that grounds alone
11 the Court should not allow these photographs or
12 this syntax into evidence.

13 The second objection is with respect to
14 the photographs that have a date and time stamp on
15 them. That is classic hearsay. And the defense
16 has offered these exhibits to show that they were
17 taken at the time, on the date, and at the time
18 that is stated on these photographs.

19 Again, the person who took them is not
20 here in court. The person who took them is not
21 here for the state to cross-examine, to find out
22 what the conditions of the camera was and whether
23 the date and the time are, in fact, accurate.

24 And, finally, the state would object
25 to -- objections were made and yet Ms. Do continued

1 to talk about the time, talk about the date stamp,
2 as she continued to question witnesses after the
3 Court had sustained the state's objection.

4 THE COURT: Excuse me, Ms. Do. You cannot
5 persist in questioning about an exhibit when it's
6 not been admitted.

7 But with regard to foundation, there's
8 now been an offer for a redacted exhibit. There
9 was foundation in terms of relative time. And that
10 means relative to when the sweat lodge event
11 occurred.

12 There has been that. But that still
13 leaves the disclosure discovery issue because there
14 has been foundation, at least, in relative terms
15 that indicated that.

16 Ms. Do, the disclosure issue, please?

17 MS. DO: Thank you, Your Honor.

18 I will not address the foundational
19 issue.

20 Your Honor, this is cross-examination,
21 and this is impeachment. I have no idea whether or
22 not a particular piece of evidence is going to
23 become relevant until I hear what the witness
24 answers under cross-examination.

25 I don't believe that Arizona disclosure

1 rules require that the defense give up the evidence
2 it's going to use on impeachment until it's
3 determined that there is impeachment.

4 At that time the rule then requires that
5 I share with the state whether it is -- whether
6 it's a photo or whether it's a transcript of a
7 prior statement.

8 I think that to require otherwise would,
9 essentially, allow the state and the witness, quite
10 frankly, to be on notice of what my
11 cross-examination is going to be.

12 And the state -- and the witnesses,
13 rather, could at that time then change the contour
14 of her testimony under cross-examination.

15 It's very clear that the witness under
16 direct examination has talked about a prior
17 incident in which this woman was unconscious. She,
18 essentially, anchored herself in that testimony
19 during cross-examination.

20 It was quite clear the person was
21 unconscious, unresponsive, that she was upset about
22 the situation because it was dangerous.

23 And here we have three photographs, which
24 I'll represent to the Court I received late last
25 night from Ms. Hermia Nelson, who's been known to

1 the state through these various statements and has
2 not been interviewed to this day.

3 And so based upon that cross-examination,
4 these various exhibits then became relevant
5 impeachment evidence, and I disclosed it prior to
6 using them with the witness.

7 I think to require the defense to do
8 otherwise beforehand is, essentially, the same as
9 turning over my cross-examination outline to the
10 state.

11 THE COURT: Ms. Polk?

12 MS. POLK: Your Honor --

13 MS. DO: I'm sorry. May I add one more thing?
14 I apologize.

15 It wasn't until this morning -- I mean, I
16 don't think it's been clear to us. We've litigated
17 this practically every morning whether or not the
18 404(b) or the prior acts were going to come in.

19 So in terms of the notice, we realized
20 yesterday or -- I'm sorry. On Friday when Ms. Polk
21 referenced the 2007 and stated, well, we're going
22 to hear more about that.

23 It's not as if we were on notice that the
24 state was going to get into 2007 with Ms. Haley and
25 that the Court would somehow in a limited fashion

1 reverse it's prior ruling until Friday.

2 THE COURT: Well, I don't think I reversed my
3 prior ruling at all on the 404(b), but in terms of
4 resolving, I see that you perceive it that way.

5 Ms. Polk?

6 MS. POLK: Your Honor, I'd like to respond to
7 a couple of points.

8 First of all, as Ms. Do established
9 already in her cross-examination of this witness,
10 Ms. Do did personally interview her and certainly
11 has been on notice as to what this witness would
12 say. There is no surprise there. And that
13 interview took place in December of last year.

14 Secondly, the state had made full
15 disclosure of all of our information relating to
16 prior sweat lodges long before today, regardless of
17 the defense's perception of what was going to come
18 in and what was not.

19 Third, under Rule 15.3 in the rules of
20 criminal procedure, there is no exception carved
21 out for material to be used for impeachment
22 purposes.

23 The state has an obligation to make full
24 disclosure. The defense has an obligation to make
25 full disclosure. And there simply is no exception

1 that allows the defense to withhold documents and
2 exhibits for tactical purposes, which is what
3 Ms. Do has just said to the Court, that this is a
4 tactical decision she made not to provide this
5 information to the state ahead of time, so that we
6 could do our own discovery with respect to what
7 these exhibits are.

8 And then, finally, I would point the
9 Court to Rule 15.6(c) and (d).

10 (c) states that the final deadline for
11 disclosure, unless otherwise permitted, all
12 disclosure required by this rule shall be completed
13 seven days prior to trial.

14 And (d) states that a party seeking to
15 use material or information not disclosed at least
16 seven days prior to trial shall obtain leave of
17 court by a motion supported by affidavit to extend
18 the time for disclosure and use the material or
19 information.

20 If the Court finds that the material or
21 information could not have otherwise been
22 discovered or disclosed earlier, even with due
23 diligence, and the material or information was
24 disclosed immediately upon it's discovery, the
25 Court shall grant a reasonable extension to

1 complete the disclosure and grant leave to use the
2 material or information.

3 In an absence such a finding, the Court
4 may either deny leave or grant a reasonable
5 extension to complete the disclosure and leave to
6 use the material or information. And if granted,
7 the Court may impose any sanction other than
8 preclusion or dismissal listed in 15.7.

9 Your Honor, this rule makes clear, as
10 does Rule 15.2, that there has been a disclosure
11 violation. And as Ms. Do just said to the Court,
12 it was intentional and it was done for tactical
13 reasons.

14 The bottom line is this material has
15 never been made available to the state until this
16 very moment during the cross-examination of this
17 witness when copies were dropped on counsel table.

18 THE COURT: The objections are sustained.

19 We'll be in recess.

20 Thank you.

21 (Recess.)

22 THE COURT: The record will show the presence
23 of Mr. Ray and the lawyers.

24 I was informed there is some issue.

25 Ms. Do?

1 MS. DO: Thank you, Your Honor.

2 We are requesting that the Court
3 reconsider it's ruling precluding the exhibits that
4 the defense attempted to admit through Ms. Haley.

5 As this Court is well aware, we have had
6 extensive litigation on the admissibility of prior
7 acts. The defense has vigorously objected to the
8 admission of prior acts in this Court under 404,
9 ruling inadmissible.

10 We have now gone back and revisited that
11 issue. And the Court has indicated to the state
12 that there might be some relevance as it pertains
13 to causation.

14 During the direct examination of
15 Ms. Haley, as the Court noted during the objection
16 made at sidebar, the state has gone beyond what the
17 Court had envisioned would be relevant as to
18 causation.

19 And, indeed, the additional questions
20 that the state was going to present was going to go
21 back to the 404(b) issue as it relates to
22 knowledge, a ground the Court has ruled
23 inadmissible.

24 With respect to the defense objections on
25 those prior sweat lodge events, there has been

1 grave concern of prejudice. There has been a grave
2 concern about the prejudicial impact to Mr. Ray and
3 his right to a fair trial so that the Court has
4 made note of that a number of times under 403.

5 Now we have this witness who has
6 testified regarding a prior incident that occurred
7 in 2007, has gone beyond what was allowed in the
8 direct examination. And it is critical for the
9 defense to be able to defend on those acts and
10 allow the jury to hear the truth of what occurred.

11 The Court has moved to the remedy of last
12 resort on a discovery violation. I still submit
13 this was not a discovery violation. This is
14 cross-examination. It's impeachment evidence.

15 There is no prejudice to the state. The
16 state -- if it needs additional time, the Court
17 could grant the first remedy, which is a
18 continuance, which is a continuance so that they
19 could speak to a witness that they themselves have
20 identified in a number -- in a number of witness
21 interviews and elected to not interview, for
22 whatever reason.

23 But the Court has moved to preclude
24 evidence that the defense needs in order to defend
25 against these prior acts, which the Court has noted

1 to be of concern under 403.

2 So we're asking the Court to reconsider
3 preclusion. And, as Ms. Polk has read from the
4 rules of Arizona criminal procedure, preclusion is
5 a last resort. So we're asking the Court to
6 reconsider.

7 THE COURT: Ms. Polk.

8 MS. DO: I'm sorry. My colleague has pointed
9 out that the rule actually says other than
10 preclusion.

11 THE COURT: Anything, further, Ms. Polk?

12 MS. POLK: Your Honor, two things. First of
13 all the -- twice Ms. Do suggested that in the
14 direct examination of Jennifer Haley that the state
15 went beyond the Court's ruling. And then she said
16 the witness' testimony had gone beyond the Court's
17 ruling.

18 Neither of those is true. We approached
19 the bench. I told the Court the two additional
20 questions I wanted to ask. The Court indicated you
21 would not permit them, and I did not ask them. So
22 no testimony has gone beyond the Court's ruling.

23 But secondly, under Rule 15.6 of the
24 rules of criminal procedure, under (d), there is a
25 two-part test that must be met first before the

1 Court then considers an extension to allow the
2 material to come in.

3 The defense cannot meet either part of
4 that two-part test. The rule states, if the Court
5 finds that the material or information could not
6 have been discovered or discovered earlier, even
7 with due diligence. And we know that it could have
8 been. And then, secondly, and the material or
9 information was disclosed immediately upon its
10 discovery.

11 Neither of those parts of that two-part
12 test can be met. The defense has that material,
13 had opportunities to discover it earlier. Clearly
14 it was discovered before it was placed on counsel's
15 table during the cross-examination of Jennifer
16 Haley.

17 And the second part is that the
18 information must be disclosed immediately upon its
19 discovery. It was not disclosed to the state
20 immediately upon its discovery. It was disclosed,
21 again, during the cross-examination of Ms. Haley
22 when Ms. Do intended to use the information.

23 Your Honor, the state was informed by the
24 clerk that the defense reserved those exhibit
25 numbers this morning for these exhibits. However,

1 it did not give the exhibits to the clerk to mark.

2 THE COURT: And I'm just not clear on your
3 authority for that, Ms. Do.

4 MS. DO: That is not correct. And I believe
5 the clerk can check. I gave her the exhibits.
6 They were marked.

7 Your Honor, I apologize. I am aware of
8 case law -- and I don't have it at my fingertips --
9 that state -- for example, if the defense has a
10 prior statement of a prosecution witness, that
11 statement may not be disclosed because it's
12 rebuttal. It's impeachment evidence.

13 I have no way of knowing whether or not
14 the witness is going to agree with me, as she did,
15 that the woman was so clearly unconscious that it
16 was life threatening.

17 These photos depict, essentially, that
18 alleged victim posing happy, looking like nothing
19 had happened, within a matter of hours after the
20 sweat lodge ceremony, including the witness who
21 also is smiling in the photographs.

22 I am aware of Arizona case law that
23 discusses when it is impeachment evidence in the
24 form of a prior inconsistent statement or a prior
25 statement of the prosecution's witness does not

1 require it under Rule 15.2.

2 But, again, if the Court is inclined to
3 find a discovery violation, I would, again,
4 emphasize that I did not learn of these photographs
5 until last night when I made a phone call to
6 Ms. Nelson, a witness that the state has
7 identified.

8 We don't have a burden here. And it
9 wasn't until -- you know -- it's been somewhat of a
10 moving target that it was made clear to us that
11 Ms. Haley was going to go into the 2007 event.

12 We filed a memoranda yesterday continuing
13 objection to this evidence being admitted. So I
14 disclosed it to Ms. Polk when it became relevant
15 for cross-examination. I do not believe that there
16 is intentional or -- an intentional violation.

17 But even if the Court were inclined to
18 find one, Ms. Polk, as she read for the second
19 time, the rule states other than preclusion.

20 And I would have to ask, what is the
21 prejudice to the state? These are photographs that
22 the witness they've called to the stand has laid a
23 foundation, identified herself in it, and has
24 clearly testified that they accurately depict the
25 event that she's been talking about for the last

1 two days.

2 So if there is any -- and I don't think
3 that there is any -- if there is any prejudice to
4 the state, that can be cured with a continuance.
5 But the extreme remedy of precluding the
6 defense from admitting evidence that will,
7 essentially, correct a distortion of what happened
8 in 2007 is patently unfair.

9 THE COURT: What prejudice is there, Ms. Polk?
10 I understand when there were dates and times there,
11 hearsay. But with foundation that the exhibit
12 represents these people after the sweat lodge and
13 there is that foundation, what is the prejudice?

14 MS. POLK: Your Honor, the prejudice is that
15 the state did not know about these photographs when
16 we questioned the witness on direct examination.
17 If I had known about them, I would have had the
18 opportunity to ask her about them, when they were
19 taken.

20 As it is, the way the defense has used
21 the photographs, it looks like the state was
22 withholding them from the jury, which is absolutely
23 not the case. So there is prejudice to the state
24 in allowing the defense to use exhibits not
25 previously disclosed to the state.

1 This is a full-disclosure state. Again,
2 there is no exception carved out that allows the
3 defense to hold on to exhibits and not give it to
4 the state until they deem it is relevant, as Ms. Do
5 just said.

6 It's a whole-disclosure state. Both the
7 state and the defense has to make disclosure in a
8 timely fashion of the exhibits and the information
9 we intend to use at trial.

10 And, Your Honor, I want to clear up one
11 thing, which is that we were informed this morning
12 that the defense had marked additional exhibits.
13 These are the exhibits we're talking about.

14 They then took those original exhibits
15 back. And when we asked the clerk to see them, she
16 no longer had them because the defense had taken
17 them.

18 The defense did not provide copies to the
19 state. So we did not know what those exhibits were
20 until Ms. Do was cross-examining a witness. And
21 that's when they gave us copies for the first time
22 of what these exhibits are.

23 But, Your Honor, the rules are clear.
24 It's a full-disclosure state. And the rule is
25 clear under 15.6 that you have to make disclosure

1 timely when you get it, and certainly within the
2 few days prior to trial.

3 First you have to provide notice if you
4 intend to ignore disclosure. And, finally, you
5 have to exercise due diligence and immediately
6 disclose.

7 For tactical reasons the defense chose
8 not to follow this rule. They chose not to
9 exercise due diligence, and they chose not to
10 immediately disclose those exhibits. They did not
11 want the state to have those exhibits when we did
12 our direct examination for reasons, I believe, such
13 as they wanted to surprise the witness.

14 We are not a surprise state. And they
15 have left the state in a position of not having the
16 opportunity to know about that information before
17 we conducted our direct examination of the witness.
18 That's exactly what the Arizona Rules of Evidence
19 and Rules of Criminal Procedure are set up to
20 prevent.

21 This is not a surprise state. This is
22 full-disclosure state.

23 THE COURT: That's the thing, Ms. Do. There
24 wasn't effort at all to comply with 15.6. That
25 could have been done this morning. And then that

1 element of prejudice that Ms. Polk mentioned would
2 have been avoided.

3 When it comes up now, it puts the other
4 party in a bad light. You know, I really favor
5 evidence coming in. If there is not prejudice,
6 admissible evidence should be presented. And I
7 don't like the disclosure rules being used when
8 they're used to thwart evidence getting to the
9 jury -- admissible evidence.

10 But I'm not aware of that procedure. It
11 surprised me. I haven't seen that. And -- I asked
12 Ms. Polk what the prejudice was, and you've heard.

13 MS. DO: Yes. I did hear, Your Honor. And
14 with all due respect, I don't believe that that is
15 prejudice.

16 There's no question here about the
17 authenticity of these photographs. The witness has
18 laid a foundation and granted us the time, the
19 date. It's relative.

20 The prejudice that Ms. Polk discussed --
21 she can clear it up on redirect if she wants or, if
22 the Court grants a continuance, talk to this
23 witness, who they've known about for some time.

24 But I think the Court has gone to the
25 remedy that the rule states shall not be precluded.

1 And if the Court is inclined to exercise -- I don't
2 know if there is discretion -- that should
3 certainly be the remedy of last resort.

4 And, again, I had a good-faith-basis
5 belief that this was not required under 15.2 given
6 my understanding of the Arizona case law that
7 discusses when the defense does not have to reveal
8 impeachment evidence of a prosecution witness.

9 And I think that what Ms. Polk has just
10 said now in terms of her arguments about prejudice,
11 Your Honor, it was -- is exactly our concern, is
12 exactly the reason why I think these cases that I'm
13 referring to the rule that the defense does not
14 have to disclose impeachment evidence.

15 Because then they could, essentially,
16 have this witness change the contour of the
17 testimony when it's clear from her statement in the
18 police reports that it was her belief this woman
19 was unconscious.

20 Again, if the Court disagrees with me, I
21 will accept that. But my not providing disclosure
22 until the time of cross-examination is based upon
23 my reading of the cases that deal with
24 cross-examination of a prosecution witness.

25 But, again, I would emphasize to this

1 Court that the remedy that the Court has elected is
2 extreme and will only aggravate the prejudice that
3 we've been objecting to regarding these prior acts.

4 THE COURT: I haven't seen the authority.

5 Ms. Polk.

6 MS. POLK: Your Honor, I just wanted to add
7 two points. One was that Ms. Do keeps referring to
8 cases without really mentioning any cases for us.
9 I think the rules are clear.

10 The second issue is that additional
11 prejudice to the state is we are deprived of an
12 opportunity to find out who took the photographs,
13 when they took them, where they took them, and do
14 appropriate disclosure.

15 And that's additional prejudice to the
16 state in allowing the defense to spring exhibits on
17 us right in the middle of cross-examination.

18 THE COURT: And it is. It could have been
19 avoided even by disclosure this morning, in all
20 likelihood, and it just was not.

21 MS. DO: I understand that, Your Honor. But
22 again, what is the actual prejudice? The state,
23 again, is asserting that they don't have the
24 opportunity to determine the authenticity of these
25 photos. And I think, given what the Court has

1 heard from this witness regarding those photos,
2 there cannot be a real serious dispute about that.

3 But if the state persists with those
4 questions, then the remedy is a continuance for
5 time to ask those questions of the appropriate
6 people if they're not satisfied with their own
7 witness testimony.

8 THE COURT: Ms. Haley will remain subject to
9 recall in this matter. The objections are
10 sustained. I'm going to get the jury.

11 (Proceedings continued in the presence of
12 jury.)

13 THE COURT: The record will show the presence
14 of the defendant, Mr. Ray, the attorneys, and the
15 jury. Ms. Haley is on the witness stand.

16 Ms. Do.

17 MS. DO: Thank you, Your Honor.

18 Q. Good afternoon.

19 A. **Good afternoon.**

20 Q. Ms. Haley, I have a few more questions
21 about this incident with Hermia Nelson in '07. And
22 then we're going to move to the 2009 event.

23 Okay?

24 A. **Yes.**

25 Q. Now, you've indicated to us that there

1 were several other people in addition to you who
2 were there when this allegedly occurred with
3 Ms. Nelson; correct? And that would include Sandy
4 Williams and Dr. Lynn Hughes?

5 A. **At different times, yes.**

6 Q. And you're certain that no one else was
7 there; correct?

8 A. **No, I'm not.**

9 Q. You're not certain?

10 A. **That there weren't other people there**
11 **when she was in the bathtub. It was in the dining**
12 **hall, and people were having dinner. So, I mean,**
13 **everybody was aware.**

14 Q. My question is when she was in the shower
15 and then moved to the tub, you're certain that the
16 only people there were you, Dr. Hughes, and Sandy
17 Williams; correct?

18 A. **In the bathroom.**

19 Q. Okay.

20 A. **Okay. Go ahead.**

21 Q. I want to make sure you're not confused.
22 When she was in the shower, that was at one
23 location; correct?

24 A. **And I'm sure that we were the only ones**
25 **that were there in the shower.**

1 Q. So Mr. Ray wasn't there either?

2 A. **Right.**

3 Q. Then when you moved to the tub, you're
4 sure it was you and Mr. Williams and at some point
5 Mr. Hughes; correct?

6 A. **In the bathroom.**

7 Q. Yes. Is that correct?

8 A. **Yes.**

9 Q. All right. Now, it's your testimony to
10 this jury that Ms. Nelson was unconscious, that you
11 thought it was life threatening.

12 So in your mind, you thought 911 should
13 have been called; correct?

14 A. **Yes.**

15 Q. But you did not; correct?

16 A. **Yes.**

17 Q. Mr. Williams did not; correct?

18 A. **I guess not.**

19 Q. And Dr. Hughes, coming in at the end --
20 by the way, when he came in the end, having seen
21 this woman in a bathtub he must have asked you what
22 had happened; correct?

23 A. **Yes.**

24 Q. And you told him; correct?

25 A. **Yes.**

1 Q. And you must have told him that
2 Ms. Nelson had remained unconscious, unresponsive,
3 for the amount of time that you observed; correct?

4 A. **I didn't say how much time. But yes. I**
5 **did talk to him.**

6 Q. And you communicated to the doctor that
7 you had believed based upon what you saw that this
8 was a life threatening, dangerous situation;
9 correct?

10 A. **That I was worried. Yes.**

11 Q. In addition to you and Mr. Williams,
12 Dr. Hughes also did not call 9-1-1; correct?

13 A. **Yes. But I wouldn't have said that --**
14 **when it was -- Dr. Lynn saw her I didn't think it**
15 **was life threatening by then. It was just**
16 **disturbed.**

17 Q. And you remained disturbed for some time;
18 correct?

19 A. **Well, that nobody else came to check on**
20 **her and I was a participant.**

21 Q. I understand. But you remained disturbed
22 about the dangerousness of everything?

23 A. **Right.**

24 Q. Now, let me ask you this: What you told
25 this jury is not at all an exaggeration; is it?

1 **A. No.**
 2 **Q.** So it isn't true that what happened to
 3 Ms. Nelson was that she came out of the sweat lodge
 4 with muscle spasms. Is that your testimony?
 5 **A. I didn't see muscle spasms.**
 6 **Q.** Is it your testimony that it is not true
 7 that Ms. Nelson came out and she was actually
 8 conscious?
 9 **A. She wasn't conscious when she came out.**
 10 **Q.** Is it your testimony to this jury, under
 11 oath, that Ms. Nelson actually was unresponsive?
 12 **A. Yes.**
 13 **Q.** Okay. So it wouldn't be true if someone
 14 came in here and said she was actually conscious,
 15 responsive; correct?
 16 **A. In the shower.**
 17 MS. POLK: Objection. Argumentative.
 18 THE COURT: Overruled.
 19 You may answer that.
 20 **Q.** MS. DO: Do you need me to repeat it?
 21 **A. Yes. Please.**
 22 **Q.** So if a witness said coming out of the
 23 sweat lodge ceremony Ms. Nelson was not
 24 unconscious, not unresponsive, that would not be
 25 true; correct?

1 **A. Correct.**
 2 **Q.** So it would also not be true if a witness
 3 said that Ms. Nelson suffered muscle spasms?
 4 **A. When?**
 5 **Q.** When she came out of the sweat lodge
 6 ceremony, Ms. Haley.
 7 **A. I don't know. I didn't notice.**
 8 **Q.** Is it possible?
 9 **A. It's possible she had some muscle spasms**
 10 **in between there, carrying her, moving her.**
 11 **Q.** My question, though, is not whether she
 12 had some. My question is isn't it true that what
 13 happened to Ms. Nelson in 2007 was that she emerged
 14 from the sweat lodge, after sitting in there for a
 15 few hours, with muscle spasms and muscle spasms
 16 only?
 17 **A. No.**
 18 **Q.** So that would be untrue if it was heard
 19 in this courtroom; correct?
 20 **A. Correct.**
 21 **Q.** Isn't it true that because of the muscle
 22 spasms Ms. Nelson was then put into a shower? Also
 23 not true; correct?
 24 **A. I don't know. I don't know why we were**
 25 **putting her in a shower.**

1 **Q.** So is it your testimony to this jury you
 2 have no idea what happened to Ms. Nelson that
 3 required you put her into a shower?
 4 **A. Really, at the time, no. I'm just**
 5 **following. I don't know what he's doing, and I**
 6 **noticed we're in a shower. I mean, we had a hose**
 7 **there. We could hose her off. So no. I don't**
 8 **know.**
 9 **Q.** You had told Ms. Polk earlier to a number
 10 of questions that you're not trained in emergency
 11 medical services; correct?
 12 **A. Correct.**
 13 **Q.** And it's fair to say that you have no
 14 background, no training, no understanding, no,
 15 experience, with medical issues; correct?
 16 **A. I couldn't say that.**
 17 **Q.** All right. So --
 18 **A. I am aware of some medical things, being**
 19 **a mother of four, having a heart condition. And my**
 20 **kids range from 29 to 9. I've had a few incidents.**
 21 **Q.** So are you saying, based upon that life
 22 experience that you just described, that you're
 23 able to tell whether or not --
 24 **A. No.**
 25 **Q.** So we're clear, you're not; correct?

1 **A. Right. I was just correcting you and**
 2 **saying I had no medical knowledge at all.**
 3 **Q.** Thank you. Now that's clear.
 4 Then is it your testimony to this jury,
 5 that you're really not sure what happened to
 6 Ms. Nelson in 2007?
 7 **A. Just what I said.**
 8 **Q.** All right. Now I'm going to move on to
 9 the 2009 Spiritual Warrior retreat.
 10 You had participated in '07 and then you
 11 volunteered to come back in '09 as a Dream Team
 12 member; correct?
 13 **A. Correct.**
 14 **Q.** Now, I understand from your testimony
 15 under direct that you felt divinely guided, were
 16 your words, to go. Correct?
 17 **A. Yes.**
 18 **Q.** And other than that dream that you had,
 19 you chose to do this in 2009; correct?
 20 **A. Yes.**
 21 **Q.** All right. So nobody told you you had to
 22 come back to this retreat after allegedly
 23 experiencing what you say happened in 2007;
 24 correct?
 25 **A. Just my own understanding of being**

1 **divinely guided in my own relationship with God.**

2 **So yeah. Nobody.**

3 Q. All right. And so when you told this
4 jury under direct examination that it actually cost
5 you money to go to the 2009 -- let me make sure
6 that we're clear on that -- the money that you paid
7 didn't go to James Ray International and it didn't
8 go to Mr. Ray; correct?

9 **A. Correct.**

10 Q. It was money that you had to pay to Angel
11 Valley, like anyone else who stays there, for
12 lodging and food; correct?

13 **A. Correct.**

14 Q. And your own transportation cost?

15 **A. Correct.**

16 Q. And your own costs to get a baby-sitter
17 for your children; correct?

18 **A. Correct.**

19 Q. And time off work?

20 **A. Correct.**

21 Q. This was a big commitment -- you saw it
22 as a big commitment; correct?

23 **A. Correct.**

24 Q. But all one that you made by choice;
25 correct?

1 **A. Correct.**

2 Q. Now, when you went to the event in 2009,
3 you were not the only person who was there to
4 volunteer; correct?

5 **A. Correct.**

6 Q. And, by the way, you told this jury that
7 you had gotten a letter. That would have been a
8 letter from James Ray International; correct?

9 **A. Correct.**

10 Q. Not a letter that was personally written
11 by Mr. Ray; correct?

12 **A. I don't remember what it was signed at
13 the bottom.**

14 Q. Sure. But the letterhead was James Ray
15 International; correct?

16 **A. Correct.**

17 Q. Do you know whether or not that letter
18 went out to a number of people other than yourself?

19 **A. No. I don't know.**

20 Q. Okay. And as you told us on direct, you
21 have no idea who picked you. It could have been
22 Megan. It could have been Josh. It could have
23 been any number of employees of James Ray
24 International; correct?

25 **A. Correct.**

1 Q. You're not telling the jury that Mr. Ray
2 picked you; correct?

3 **A. Correct.**

4 Q. When you got to the 2009 event, you
5 mentioned the names Mark Rock, Aaron Bennett, Liz
6 Neuman, Lisa Rondon, Christine Jobe, Marta Reis,
7 and Barbara Waters. That was the entire Dream Team
8 for 2009; correct?

9 **A. Correct.**

10 Q. Now, you told Ms. Polk that when you
11 actually got to the sweat lodge ceremony that you
12 all met, the Dream Team met, before the
13 participants arrived; correct?

14 **A. 2009?**

15 Q. Yes.

16 **A. I got there after they were all there and
17 saging was started.**

18 Q. Okay. So what I wanted to ask you is,
19 you had told Ms. Polk that James had at some moment
20 talked to the Dream Team members and gave you guys
21 the choice to determine who would go inside and who
22 would go outside; correct?

23 **A. Correct.**

24 Q. So it wasn't like Mr. Ray said, Jennifer,
25 you're going outside and, Liz, you're going inside;

1 correct?

2 **A. Correct.**

3 Q. You all decided that among yourselves?

4 **A. With him there.**

5 Q. With him there. But in terms of picking
6 who was going to go in and out, that was left up to
7 you?

8 **A. No. We needed approval because we needed
9 approval for him for everything.**

10 Q. I understand. But I believe your
11 testimony under direct was that Mr. Ray left it up
12 to you and the rest of the Dream Team members to
13 determine who would go inside and who would go
14 outside. Correct?

15 **A. No. We all made a decision together.**

16 Q. Okay.

17 **A. It wasn't, oh, it's up to us. He was
18 there and we discussed it amongst ourselves who
19 wanted to go. And then James talked to those and
20 because it had to be an even amount. Because a lot
21 of them wanted to go.**

22 Q. A lot of them wanted to go inside the
23 sweat lodge?

24 **A. Yes.**

25 Q. Let me ask you this: Did Mr. Ray say to

1 you all who wants to go in and who wants to be out?
 2 **A. Yes.**
 3 **Q.** And then you all decided and responded
 4 however it was that you wanted to respond; right?
 5 You said personally I want to be outside?
 6 **A. Right.**
 7 **Q.** Because you actually hate the steam;
 8 correct?
 9 **A. Right.**
 10 **Q.** So you said, I want to be outside. And
 11 Mr. Ray didn't veto or overrule that decision;
 12 correct?
 13 **A. Correct.**
 14 **Q.** He let you choose what you wanted?
 15 **A. Correct.**
 16 **Q.** Same thing with all the other members.
 17 Mark Rock, Aaron Bennett, and Liz Neuman said they
 18 wanted to go inside; correct?
 19 **A. Correct.**
 20 **Q.** Now, you had talked extensively --
 21 **A. Except that -- I'm sorry. But the other**
 22 **ones -- I'm not so sure didn't want to go in too.**
 23 **But there was a discussion among them which ones**
 24 **were going to get to.**
 25 **Q.** So the fight was over who would go

1 inside; correct?
 2 **A. Right.**
 3 **Q.** Nobody said, I want to be outside.
 4 **A. Just me.**
 5 **Q.** Got it. So no one said, I want to be
 6 outside?
 7 **A. Just me.**
 8 **Q.** Okay. I understand. No one wanted to be
 9 outside, and neither Mr. Ray or the group vetoed
 10 that and said, no, you go in? That did not happen?
 11 **A. Didn't veto to me?**
 12 **Q.** Yes.
 13 **A. No. I got what I wanted.**
 14 **Q.** Now, Ms. Polk had asked you a number of
 15 questions regarding training for the Dream Team
 16 members. One of the qualifications to become a
 17 Dream Team member at this event is that you've
 18 actually done the event before; correct?
 19 **A. Correct.**
 20 **Q.** And so you'd done it in '07; correct?
 21 **A. Correct.**
 22 **Q.** And Liz Neuman had done it in 2003 all
 23 the way up to 2009; correct?
 24 **A. Correct.**
 25 **Q.** Mark Rock had done it in 2008; correct?

1 **A. Correct.**
 2 **Q.** To your knowledge. So these were people
 3 who had gone through the events before, including
 4 actually being inside the sweat lodge; correct?
 5 **A. As far as I know.**
 6 **Q.** And did you also know that James Ray
 7 International, the company, had also paid to have
 8 some of the Dream Team members -- let me take that
 9 back.
 10 Are you aware that James Ray
 11 International also paid for employees like Melinda
 12 Martin to get CPR trained?
 13 **A. Did I know?**
 14 **Q.** If you don't know, that's fine.
 15 **A. No. I don't know.**
 16 **Q.** Okay. And I understand you roomed with
 17 Lisa Rondan, who you now know is a registered
 18 nurse. Correct?
 19 **A. Correct.**
 20 **Q.** And she was a Dream Team member who
 21 initially said she wanted to be inside but because
 22 there wasn't enough room ended up outside; correct?
 23 **A. I don't know that. But she was outside.**
 24 **Q.** Okay. Now, let me talk about the company
 25 a little bit. You answered a lot of questions from

1 Ms. Polk about who did what. For example, Megan
 2 Fredrickson was the operations manager; correct?
 3 **A. Correct.**
 4 **Q.** She was a paid employee of James Ray
 5 International; correct?
 6 **A. Correct.**
 7 **Q.** And you talked about Josh Fredrickson,
 8 who is the manager of technology; correct?
 9 **A. Correct.**
 10 **Q.** The IT guy?
 11 **A. Correct.**
 12 **Q.** Paid employee of James Ray International;
 13 correct?
 14 **A. Correct.**
 15 **Q.** You also talked about a Melinda. And I
 16 believe her last name is Martin. Is that correct?
 17 **A. I don't know.**
 18 **Q.** Sounds familiar?
 19 **A. There was only one six-month assistant of**
 20 **James Ray named Melinda. So if that was her last**
 21 **name --**
 22 **Q.** Okay. So no reason to dispute that?
 23 **A. Okay.**
 24 **Q.** So Melinda was the event coordinator;
 25 correct?

1 **A. I know her as his personal assistant. I**
2 **don't know what her title was.**

3 **Q.** Had you ever been to the office of James
4 Ray International in Carlsbad?

5 **A. Once.**

6 **Q.** Okay. It's a corporate building;
7 correct?

8 **A. Correct.**

9 **Q.** In a business district; correct?

10 **A. Correct.**

11 **Q.** And Mr. Ray's company actually employees
12 about 27 -- or at the time 27 employees; correct?

13 **A. I don't know.**

14 **Q.** All right. So Melinda is someone you
15 know as being a paid employee. And there are
16 others; correct?

17 **A. Right.**

18 **Q.** Now, you had told Ms. Polk under direct
19 examination that between Megan and Melinda, they
20 were running the event, Mr. Ray's right hand. Do
21 you remember that?

22 **A. Yes.**

23 **Q.** So is it fair to say that between Megan
24 Fredrickson, Josh Fredrickson, and Melinda, with
25 the various titles that they have, that they ran

1 the event from an operational standpoint?

2 **A. I'd say they supported it. They helped**
3 **support.**

4 **Q.** With the logistics; correct?

5 **A. Coordination, overseeing.**

6 **Q.** Correct. What else?

7 **A. I don't know.**

8 **Q.** Okay. But they were Mr. Ray's right
9 hand. And, in fact, you said you saw more of them
10 than you did of Mr. Ray?

11 **A. Yes.**

12 **Q.** So if something came up, you knew to go
13 to the employees. For example, you had a
14 suggestion that Dream Team members be allowed a
15 little more sleep.

16 **A. Yes.**

17 **Q.** And you made that suggestion to Megan
18 Fredrickson, who is manager of operations, not
19 Mr. Ray; correct?

20 **A. Correct.**

21 **Q.** So in some ways these various events --
22 you know -- other JRI events, including the
23 Spiritual Warrior, Mr. Ray is sort of like the
24 master of ceremony. He's the talent people come to
25 see; correct?

1 **A. Correct.**

2 **Q.** And as the MC, he comes to the various
3 events like when you have the open-mic session or
4 talks at a seminar; correct?

5 **A. He interacts.**

6 **Q.** Yes.

7 **A. And teaches.**

8 **Q.** Right. Okay. But behind the scenes
9 then, based upon your knowledge, it's Megan
10 Fredrickson; Josh; and Melinda, his right hand,
11 that runs the logistics and operations; correct?

12 **A. Well, you see that once you get there.**

13 **Q.** You do?

14 **A. You don't know that.**

15 **Q.** But once you got there, that's what you
16 saw; right?

17 **A. Right.**

18 **Q.** Okay. Now I'm going to move on. You
19 talked about a number of events that took place
20 during that week before the actual sweat lodge
21 ceremony. And I want to go through them.

22 Are you okay?

23 **A. Yeah.**

24 **Q.** Do you want a break?

25 **A. No.**

1 **Q.** All right. Let me know if you do.

2 **A. Okay. Thank you.**

3 **Q.** The first thing you talked about was --
4 Ms. Polk refers to it as a "hair shaving event."
5 Do you remember that?

6 **A. Yes.**

7 **Q.** And you're familiar with it because in
8 2007 that same activity was offered; correct?

9 **A. Yes.**

10 **Q.** And that year you made the choice -- you
11 did -- to cut your hair to a bob and not shave it;
12 correct?

13 **A. Correct.**

14 **Q.** And you understood that the reason why
15 the JRI had that activity was to try and get people
16 to think about vanity; correct?

17 **A. Correct.**

18 **Q.** To let go of vanity?

19 **A. Correct.**

20 **Q.** And so that year -- and I understand
21 you're a hair stylist. So it probably was really
22 difficult for you to cut off that ponytail?

23 **A. Yes.**

24 **Q.** Okay. But no one told you you had to
25 shave your head. You chose to do something that

- 1 was less drastic; correct?
- 2 **A. I decided to make my own rules. Yes.**
- 3 **Q.** And that's something that you know you
- 4 can do; correct?
- 5 **A. I don't know it.**
- 6 **Q.** But you did?
- 7 **A. But I did.**
- 8 **Q.** All right. So then in 2009 you're the
- 9 one who actually has the clippers or the razor;
- 10 correct?
- 11 **A. Correct.**
- 12 **Q.** And you're doing it with Christine Jobe;
- 13 correct?
- 14 **A. Yes.**
- 15 **Q.** And, again, the activity is the same
- 16 where the opportunity is given for people to let go
- 17 of their vanity; correct?
- 18 **A. Correct.**
- 19 **Q.** And so the invitation was made on the
- 20 first day. That would be on Saturday I believe;
- 21 correct? The day of the registration?
- 22 **A. Was Saturday or Sunday.**
- 23 **Q.** Sunday was the day of registration. Is
- 24 that right?
- 25 **A. Right.**

- 1 **Q.** And some people chose to do it then;
- 2 correct?
- 3 **A. Correct.**
- 4 **Q.** And some people chose not to at all;
- 5 correct?
- 6 **A. Two.**
- 7 **Q.** And some people chose to do it at a point
- 8 when they were ready to; correct?
- 9 **A. Correct.**
- 10 **Q.** Now, the people who chose to do it
- 11 didn't, as Ms. Polk has asked you, all shave their
- 12 heads; correct?
- 13 **A. Could you please say that again.**
- 14 **Q.** Sure. The people who chose to let go of
- 15 their vanity in this activity -- they didn't all
- 16 shave their heads -- correct? -- to bald?
- 17 **A. Correct.**
- 18 **Q.** In fact, they chose whatever they were
- 19 comfortable with? More men -- right? -- went down
- 20 to bald; correct?
- 21 **A. That's what was suggested. And they did**
- 22 **that.**
- 23 **Q.** And some women actually went down to a
- 24 one- or two-inch cut; correct?
- 25 **A. Some did.**

- 1 **Q.** And some women went to what you had done
- 2 in the years prior, which was a bob; correct?
- 3 **A. And longer buzz cut. I would decide what**
- 4 **to do.**
- 5 **Q.** People did what they were comfortable
- 6 with?
- 7 **A. I don't think they were comfortable. The**
- 8 **point was it wasn't comfortable.**
- 9 **Q.** My question is, they went to you as a
- 10 hair stylist, and they said, Jennifer, I want you
- 11 to do this. Right?
- 12 **A. No. They didn't come to me as a hair**
- 13 **stylist. They came to me as a Dream Team member to**
- 14 **shave their head and have a transformation.**
- 15 **Q.** Okay. I'm sorry. Let me take that back.
- 16 They came to you as a Dream Team member,
- 17 and they chose either to go bald, go down to one or
- 18 two inch, or go down to a bob, or even longer;
- 19 correct?
- 20 **A. They weren't offered those options. No.**
- 21 **Q.** But they took them; right?
- 22 **A. The options weren't out there. Like, I**
- 23 **created that one for me. When they were in line, I**
- 24 **didn't go, do you want me to shave your head or do**
- 25 **you want me to cut off your ponytail? We didn't**

- 1 **say that. So they got in line.**
- 2 **Q.** They got in line. But my question,
- 3 Ms. Haley, people did, in fact, choose what they
- 4 wanted? It's not like you shaved everyone down
- 5 bald; correct?
- 6 **A. Right.**
- 7 **Q.** And it's not like you told one woman or
- 8 another, I'm going to cut your hair down to one or
- 9 two inches; right?
- 10 **A. I would let them know. Yes.**
- 11 **Q.** I'm going to have you take a look at this
- 12 photograph. It's been marked and admitted as
- 13 Exhibit 144.
- 14 This would have been on the very last
- 15 day, because the participants are going into the
- 16 sweat lodge; correct?
- 17 **A. Correct.**
- 18 **Q.** And so, as you can see in this
- 19 photograph, there are a lot of people who did not
- 20 shave their heads; correct? Can you see from here?
- 21 If not I can --
- 22 **A. But I'm looking at everybody that's in**
- 23 **line to go. And yeah. There's a couple that**
- 24 **haven't shaved their head.**
- 25 **Q.** All right. So in this photograph I can

1 see one, two women who've left their hair at what
 2 appears to be --
 3 **A. I cut that bob.**
 4 **Q.** Okay. So she wanted a bob. You gave her
 5 a bob.
 6 **A. Later on I cut her ponytail.**
 7 **Q.** Okay. What about the woman next to her?
 8 **A. No. I can't see her. I don't think so.**
 9 **No.**
 10 **Q.** Okay. Let me try and wrap this up. My
 11 question about the haircut is this, Ms. Haley --
 12 **A. Uh-huh.**
 13 **Q.** James Ray never told people you must cut
 14 your hair?
 15 **A. No. He just encouraged it.**
 16 **Q.** He gave them the opportunity to think
 17 about vanity; correct?
 18 **A. Right.**
 19 **Q.** But he never told people you must shave
 20 your hair or cut your hair; correct?
 21 **A. Correct.**
 22 **Q.** In fact, what he said was, I just want
 23 you to think about the reason why you don't;
 24 correct?
 25 **A. That was one of the things he said.**

1 **Q.** In fact, you're holding the razor and the
 2 clips. You're the one cutting these people's hair.
 3 You didn't do it against anyone's will; correct?
 4 **A. Correct.**
 5 **Q.** All right. I'm going to move on. By the
 6 way, one more last question on the haircut. You
 7 don't believe that the haircut had anything to
 8 do -- right? -- with what happened inside the sweat
 9 lodge five days later?
 10 MS. POLK: Objection. Calls for speculation.
 11 THE COURT: Overruled.
 12 You may answer that if you can.
 13 THE WITNESS: I don't know.
 14 **Q.** BY MS. DO: So you entertain the
 15 possibility that it does?
 16 **A. I'm entertaining the idea that the state**
 17 **of mind as a woman and doing it. Yeah. It might.**
 18 **I don't know.**
 19 **Q.** Okay. So, as you sit here today, your
 20 testimony is that you believe the haircut might
 21 have something to do with what happened inside the
 22 sweat lodge ceremony. Is that correct?
 23 **A. Their state of mind.**
 24 **Q.** All right. Let's talk about the Samurai
 25 Game. It's now Tuesday, October 5th; correct?

1 **A. Can you say that again.**
 2 **Q.** Sure. The Samurai Game took place on
 3 Tuesday, October 5th; correct?
 4 **A. Correct.**
 5 **Q.** Are you aware, Ms. Haley, that Mr. Ray
 6 learned that game when he worked for AT&T at their
 7 school of business?
 8 **A. I realized that later. Yes.**
 9 **Q.** Okay. At some point you did learn that;
 10 correct?
 11 **A. Yes.**
 12 **Q.** So Mr. Ray didn't just make up that game;
 13 correct?
 14 **A. Correct.**
 15 **Q.** And it was, in fact, a game; correct?
 16 **A. That there is a certification for. Yes.**
 17 **Q.** All right. But you knew that the game
 18 was for team building exercise; correct?
 19 **A. Correct.**
 20 **Q.** And you had a role that you were
 21 playing -- the angel of death; correct?
 22 **A. Correct.**
 23 **Q.** You said you were a ghost; correct?
 24 **A. As a dead ghost. Yes.**
 25 **Q.** Did you wear a costume?

1 **A. Yes.**
 2 **Q.** And you knew it was a game because you
 3 didn't actually -- you're not telling us you
 4 actually believed you were that role; correct?
 5 **A. I was just pretending.**
 6 **Q.** Pretend. And there were a lot of other
 7 pretend roles. There was a domeo?
 8 **A. Right.**
 9 **Q.** Can you tell the jury what a domeo is?
 10 **A. No.**
 11 **Q.** Was it somebody who was considered the
 12 Lord of the clan?
 13 **A. Yes.**
 14 **Q.** And that person wore a silk sash?
 15 **A. Yes.**
 16 **Q.** Pretend; right?
 17 **A. Right.**
 18 **Q.** And then there was a priest; correct?
 19 **A. Correct.**
 20 **Q.** And that person wore a white collar;
 21 correct?
 22 **A. They wore something.**
 23 **Q.** And there was another thing called the
 24 "sentry"; correct?
 25 **A. Yes.**

- 1 Q. And that person was a pretend role of the
2 guard, the warrior clan; correct?
- 3 A. **Correct.**
- 4 Q. So when Mr. Ray took on the role of
5 playing God, like everyone else it was pretend;
6 correct?
- 7 A. **Correct.**
- 8 Q. And you said that Mr. Ray then gave the
9 participants, who had been divided up into two
10 teams, a bunch of competitions. Do you remember
11 that?
- 12 A. **I said gave them a few.**
- 13 Q. Okay. And these competitions are what
14 were referred to as the "battles"; is that right?
- 15 A. **One of them. I mean, all the games are**
16 **battles. This was one of them.**
- 17 Q. So were there challenges called "battles"
18 or whatever you want to call them -- there were
19 challenges given to each team, and depending on who
20 won, the other team would lose a member; correct?
- 21 A. **Correct.**
- 22 Q. And some of these competitions, if I
23 understand correctly, included something called
24 "egg on a spoon." You'd walk back and forth in a
25 room with egg on a spoon, and whoever dropped that

- 1 first lost; correct?
- 2 A. **I heard of it. I didn't see that one.**
- 3 Q. You didn't see that one played?
- 4 A. **No, I didn't.**
- 5 Q. Okay. But you have heard of it?
- 6 A. **Yes.**
- 7 Q. And then there's something called a
8 "bedsheet tug of war" with the line in the middle
9 of the room?
- 10 A. **I didn't see that one.**
- 11 Q. Okay. Are you saying it wasn't played?
- 12 A. **I'm just saying I didn't see it.**
- 13 Q. All right. So it could have been played?
- 14 A. **Could have been. Yes.**
- 15 Q. Another one was holding your breath.
16 First one to take a breath dies and loses a member;
17 correct?
- 18 A. **Correct.**
- 19 Q. Another one was, I believe -- and I'm not
20 going to do this. It's like a silver crane where
21 you do that Karate Kid stance; correct?
- 22 A. **Correct.**
- 23 Q. And whoever lost their balance first lost
24 the competition and they would lose a team member;
25 correct?

- 1 A. **Correct.**
- 2 Q. There were a number of these various
3 challenges that you actually thought were pretty
4 stupid; correct?
- 5 A. **No.**
- 6 Q. You didn't think that these games were
7 stupid? I believe you -- have you ever expressed
8 that opinion?
- 9 A. **No. The first -- when I was a**
10 **participant, I didn't even get the game. Like, I**
11 **didn't understand the game when I was playing it.**
12 **And it was over before I knew what was going on.**
13 **So I was learning as a Dream Team member.**
14 **So what I saw wasn't all the things you were**
15 **talking about about that particular thing. The**
16 **stuff I saw was the books and straining and pain**
17 **and --**
- 18 Q. Okay. So one of the challenges that
19 you're referring to is where you have to balance a
20 book on both hands; correct?
- 21 A. **You need to hold them up.**
- 22 Q. So you're saying the other challenges,
23 the other battles that we've just run through, may
24 have been played? You just didn't see them?
- 25 A. **Right.**

- 1 Q. All right. Now, I'm going to talk to you
2 a little bit about what Ms. Polk asked you with
3 regard to Kirby Brown in that game, the Samurai
4 Game.
- 5 You said that Kirby Brown ended up
6 being -- and this is all pretend -- dead early on
7 in the game; is that correct?
- 8 A. **Correct.**
- 9 Q. And by the time the game was done, you
10 said about half the room ended up dead; correct?
- 11 A. **Correct.**
- 12 Q. And, as I understand it, the whole point
13 of this game is to think about what your actions
14 might have in terms of consequences as to your
15 team; right?
- 16 A. **Correct.**
- 17 Q. And that's the team building exercise?
- 18 A. **Correct.**
- 19 Q. Now, you had mentioned that you'd seen
20 Kirby because she had gotten eliminated early in
21 the game. She ended up being on the floor;
22 correct?
- 23 A. **Correct.**
- 24 Q. And you thought she needed a blanket, and
25 you brought her a blanket; correct?

1 **A. Correct.**

2 **Q.** And that was your role as a Dream Team
3 member for that event?

4 **A. Correct.**

5 **Q.** Mr. Ray and the other staff members said
6 to the Dream Team that your role throughout these
7 activities is to tend to the needs of the
8 participants?

9 **A. Correct.**

10 **Q.** And you did that?

11 **A. Correct.**

12 **Q.** Okay. Now, you said that Kirby at some
13 point needed to go to the bathroom. Do you
14 remember that?

15 **A. I'm guessing. She didn't tell me. She's**
16 **pointing.**

17 **Q.** And based upon the gesturing, you
18 believed she needed to go to the bathroom; correct?

19 **A. I said, do you have to go to the**
20 **bathroom? She said, no. She did. I mean, I knew.**

21 **I'm, like, if you have to go to the**
22 **bathroom, you have --**

23 **She's like, no, no.**

24 **And then she's doing something like -- I**
25 **think she needs a jacket or something to go on her**

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1 **Vision Quest. I don't know.**

2 **Q.** Okay.

3 **A. So I just --**

4 **Q.** My question -- and I want to close this
5 out. My question to you, Ms. Haley, is that
6 Mr. Ray never told anyone in the Samural Game or
7 any of the other activities that they couldn't go
8 to the bathroom? That was not his rule; correct?

9 **A. Correct.**

10 **Q.** So if somebody needed to go to the
11 bathroom, for example, what was told to them was
12 raise your hand and a Dream Team member would come
13 over and assist you; correct?

14 **A. It was misunderstand -- I believe there**
15 **is a misunderstanding with the Dream Team.**

16 **Q.** Okay. Putting that aside, my question to
17 you --

18 **A. I believed. Yes.**

19 **Q.** You believed, yes, that Mr. Ray told the
20 participants if you got to go --

21 **A. Raise your hand.**

22 **Q.** If you need anything else, raise your
23 hand and a Dream Team member will get it for you;
24 right?

25 **A. Yes.**

1 **Q.** And you did that?

2 **A. I didn't have to.**

3 **Q.** Now, I want to talk about the Vision

4 Quest. That came on October 6th. That would be
5 Wednesday; correct?

6 **A. Yes.**

7 **Q.** And you took with another Dream Team
8 member, I believe was your testimony, some of the
9 participants out to their location; correct?

10 **A. Correct.**

11 **Q.** And so the Dream Team members were asked
12 to escort participants out to the Vision Quest spot
13 and pick them up again on sunrise Thursday,
14 October 8th; correct?

15 **A. Correct.**

16 **Q.** So based upon that and you were told you
17 needed to know where each of your participant were
18 located; correct?

19 **A. Correct.**

20 **Q.** For safety issues obviously; correct?

21 **A. So we could go get them.**

22 **Q.** If you needed to; correct?

23 **A. Well, no. To go get them when we needed**
24 **to bring them back.**

25 **Q.** Okay. To not leave them out there

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1 stranded; correct?

2 **A. Right. We were supposed to pick them up,**
3 **so we needed to know where they're at.**

4 **Q.** You told Ms. Polk about an incident with
5 three bottles of wine, and I wanted to talk to you
6 about that. You said that on Wednesday when all
7 the participants were out on their Vision Quest,
8 the Dream Team members got a day off; correct?

9 **A. A half day off.**

10 **Q.** And so you and the other women -- that
11 included Liz Neuman, Marta Reis, Barb Waters,
12 Christine Jobe, and Lisa Rondon -- you all went
13 into Sedona; correct?

14 **A. And Melinda.**

15 **Q.** And Melinda. I'm sorry. You all went
16 into Sedona; right?

17 **A. Yes.**

18 **Q.** And you -- I think you said that the
19 Angel Valley food -- and I'm going to use your
20 words -- sucked. Is that right?

21 **A. Yes.**

22 **Q.** So you decided you wanted to get pizza?

23 **A. We all did.**

24 **Q.** Okay. And I image that after eating
25 vegetarian all week, you put a lot of meat on that

1 pizza?

2 **A. I don't remember. Actually, we had a**
3 **salad and pizza.**

4 **Q.** But you veered off that diet; correct?

5 **A. Yeah. Angel Valley diet. We went off**
6 **the Angel Valley diet.**

7 **Q.** And did you know that Angel Valley had a
8 rule or requirement that anyone who went to their
9 resort could only eat vegetarian.

10 Did you know that?

11 **A. No. But I do know that we called the**
12 **office to ask if we could have wine and bring food,**
13 **and they said it was okay.**

14 **Q.** Okay. Before we get there, what I'm
15 asking you is there was some discussion about what
16 the participants ate that week. Are you aware that
17 that rule actually is a rule of Angel Valley -- a
18 vegetarian menu? If you don't know, that's okay.

19 **A. I don't know.**

20 **Q.** All right. So you go into town and you
21 have pizza. And then it was Melinda Martin's idea
22 to get three bottles of wine; correct?

23 **A. Correct.**

24 **Q.** And I understand now you're telling this
25 jury that you called in and asked for permission.

1 Right?

2 **A. Correct.**

3 **Q.** But you asked for permission because
4 Angel Valley also had a very strict no-alcohol
5 rule; correct?

6 **A. Correct.**

7 **Q.** And a strict no-drug rule; correct?

8 **A. Correct.**

9 **Q.** And, in fact, Mr. Ray, through all of his
10 events had -- let me be specific. All of his
11 events, specifically the Spiritual Warrior, had a
12 no-alcohol rule; correct?

13 **A. I wasn't aware of a no-alcohol rule at**
14 **any event except that alcoholics didn't usually go**
15 **to those events.**

16 **Q.** Well --

17 **A. So it wasn't a concern. It hadn't come**
18 **up yet.**

19 **Q.** Okay. I'm not going to get into
20 alcoholics or not. What I'm asking you, Ms. Haley,
21 is that you understood through attending the JRI
22 events and dream teaming at several of them that
23 alcohol was not a part of a JRI event; correct?

24 **A. It was after our time. At a lot of**
25 **events the Dream Team members had drinks after.**

1 **Q.** After the event was over; correct?

2 **A. Or each day at night.**

3 **Q.** Is it your testimony that that was
4 permitted?

5 **A. I'm just saying it went on. I don't know**
6 **what his rule was on our own time when we were**
7 **there.**

8 **Q.** Would it surprise you to learn that JRI
9 had a policy of no alcohol, no drugs at any of its
10 events for participants, Dream Team members, or
11 staff?

12 **A. Can you state the first part. Was I**
13 **aware --**

14 **Q.** Would it surprise you to learn that --

15 **A. No. It wouldn't surprise me.**

16 **Q.** Okay. Because that would be
17 consistent -- right? -- with the, for lack of
18 better words, the mission or the message that JRI
19 events try to convey; correct? It's about healthy
20 living?

21 **A. Right. Wine is healthy living too,**
22 **though.**

23 **Q.** Okay. I'm not going to dispute with you
24 on that. Let me move on and ask you this: So when
25 you guys had brought the wine back and you started

1 drinking, you were where on Angel Valley. What
2 room?

3 **A. Dining hall.**

4 **Q.** You were in the dining hall. And you
5 were all having a good time, I believe, was your
6 words; correct?

7 **A. We were having a good time sharing our**
8 **challenges and our life.**

9 **Q.** And drinking the wine?

10 **A. And eating and having some wine.**

11 **Q.** I understand. So talking, eating, and
12 drinking the wine; correct?

13 **A. Right.**

14 **Q.** And so when Mr. Ray walked in at some
15 point, he got upset because you guys were drinking?

16 **A. He didn't know we were drinking at first.**

17 **Q.** He did become aware; correct?

18 **A. The second time he came in.**

19 **Q.** And he made it known to you and to the
20 rest of the group there -- since you talked about
21 this, I just want to make sure it's clear. He made
22 it known to you the reason why he was disappointed
23 and upset was because there was alcohol, and you
24 guys were supposed to be alert, holding space?

25 **A. Holding sacred space.**

1 Q. Okay. As you've explained to the jury
2 what that means is, basically, being aware, being
3 alert, being in tune while folks are out there on
4 their Vision Quest; correct?
5 A. Correct.
6 Q. Now, after Mr. Ray left and voiced to you
7 that he was upset about the alcohol, the group --
8 and I'm going to use your words again -- had a
9 session; correct?
10 A. Correct.
11 Q. What did you call that session?
12 A. **What did I call that session? I don't**
13 **recall what I called that session.**
14 Q. Okay. I remember -- I believe you used
15 an expletive of some sort. Correct?
16 A. **A what?**
17 Q. Let me move on. You called it a "session
18 where you all registered complaints"; right?
19 A. **Yes.**
20 Q. And talked about what you were unhappy
21 with, and as a group you decided you were going to
22 bring Mr. Ray back and you were going to confront
23 him; correct?
24 A. **Correct. That's what they all decided.**
25 Q. Okay. And when James -- Mr. Ray came

1 back, there was some more discussion -- right? --
2 about the reasons why he was upset, the reasons why
3 you were upset? Not you but the other women.
4 Correct?
5 A. **With the whole event.**
6 Q. All right.
7 A. **Not just the wine.**
8 Q. Okay. And you felt comfortable --
9 right? -- having Mr. Ray come back to confront him?
10 A. **I did.**
11 Q. All right. And so at some point after
12 Mr. Ray came back and this conversation took place,
13 the other women for whatever reason -- because
14 you're not in their minds; right?
15 A. **Right.**
16 Q. Decided they were in the wrong and they
17 apologized.
18 A. **That's not quite how it happened.**
19 **Because one person decided to change the whole**
20 **thing and came in, and everybody rolled with it.**
21 Q. Well, Ms. Haley, you're not in their
22 minds, so I don't want you to speculate.
23 A. **I'm not speculating. The fact is, I was**
24 **with all these girls. And we made a decision**
25 **together. All right? And then one leaves, comes**

1 **back, and she just made it something else. She**
2 **said this is what we're going to do now. It wasn't**
3 **discussed. We didn't say yeah.**
4 Q. And that woman would be who?
5 A. **Christine Jobe.**
6 Q. Okay. So if she said differently, that
7 would be not true; correct?
8 A. **If she say what?**
9 Q. If she said differently from what you're
10 telling this jury --
11 A. **What am I telling?**
12 Q. Let me start this over. And I want to
13 move on and close out this issue.
14 A. **Okay.**
15 Q. You're not in these women's minds;
16 correct?
17 A. **No.**
18 Q. And you would agree with me, these women,
19 from your relationships with them, having met them
20 at the other seminar -- let's take one for example.
21 Liz Neuman was a woman that you respected and
22 admired; correct?
23 A. **Correct.**
24 Q. A very strong woman?
25 A. **Correct.**

1 Q. A very independent woman?
2 A. **Correct.**
3 Q. She was successful? She had her own
4 business?
5 A. **Correct.**
6 Q. Same with Barb Waters; correct? She had
7 her own business?
8 A. **Correct.**
9 Q. And so you're not in their minds,
10 Ms. Haley. What I'm asking you is, you have no
11 idea why these women in the end decided to
12 apologize to Mr. Ray; correct?
13 A. **I have an idea that when Christine Jobe**
14 **said we're all going to go around and say what we**
15 **learned from it.**
16 Q. Did Ms. Jobe tell the women apologize?
17 A. **No. What we learned from it.**
18 Q. Ms. Jobe didn't tell the women what to
19 do; correct?
20 A. **She said to go around and say what you**
21 **learned from this.**
22 Q. She didn't tell them to apologize to
23 Mr. Ray; correct?
24 A. **They --**
25 Q. Is that a yes?

1 **A. They didn't.**
 2 **Q.** Okay. So without being in their minds,
 3 you have no idea why they came to that apology;
 4 correct? It would be speculation or a guess on
 5 your part?
 6 **A. I never heard I'm sorry. I never heard**
 7 **an apology. So I'm having a little problem with**
 8 **the word there.**
 9 **Q.** Okay. I'm sorry, then. I thought I
 10 heard that under direct --
 11 **A. I did say -- they're apologizing because**
 12 **my perspective was they were apologizing by what**
 13 **they were saying and what they said that they were**
 14 **learning. They were taking responsibility.**
 15 **Q.** Here's my final questions on these
 16 activities: You don't believe, do you, that the
 17 Samurai event had anything to do with the fact that
 18 three people ended up dying in the sweat lodge?
 19 **A. I don't know.**
 20 **Q.** You don't have a belief, do you, that
 21 anything about this wine episode had -- let me
 22 rephrase that. That was poorly worded.
 23 You don't believe that what happened with
 24 this wine episode had anything to do with the fact
 25 that Liz Neuman passed away from the sweat lodge

1 ceremony; correct?
 2 MS. POLK: Objection. Calls for speculation.
 3 THE COURT: Overruled.
 4 THE WITNESS: I believe that her feeling
 5 shameful absolutely had everything to do with her
 6 dying in that sweat lodge.
 7 **Q.** BY MS. DO: Okay.
 8 **A. Because she was more than that.**
 9 **Q.** And I'm going to come back to that,
 10 Ms. Haley.
 11 Ms. Neuman, being a Dream Team member,
 12 did not participate in the whole tropic breath
 13 work; correct?
 14 **A. Right.**
 15 **Q.** She didn't cut her hair?
 16 **A. Correct.**
 17 **Q.** She didn't play in the Samurai Game;
 18 correct?
 19 **A. Correct.**
 20 **Q.** So she never pretend died; correct?
 21 **A. Correct.**
 22 **Q.** She didn't go on the Vision Quest;
 23 correct?
 24 **A. Correct.**
 25 **Q.** She didn't fast?

1 **A. Correct.**
 2 **Q.** In fact, she ate off of the menu the
 3 Wednesday before the sweat lodge ceremony; correct?
 4 **A. Correct.**
 5 **Q.** As you told Ms. Polk and in a prior
 6 statement to the police, she slept that night?
 7 **A. Correct.**
 8 **Q.** We're going to move now to the sweat
 9 lodge ceremony on Thursday, October 8th.
 10 You pick up your participants from the
 11 Vision Quest; correct?
 12 **A. Correct.**
 13 **Q.** You bring them back and they change.
 14 They go to breakfast, and then they come back to
 15 the Crystal Hall for an open-mic session; correct?
 16 **A. Correct.**
 17 **Q.** And after that open-mic session, Mr. Ray
 18 then gave an orientation about what was coming up
 19 next, and that would be the sweat lodge ceremony;
 20 correct?
 21 **A. Correct.**
 22 **Q.** And Mr. Ray during that orientation told
 23 the participants that the temperature would be
 24 intense and it would be difficult; correct?
 25 **A. Yeah.**

1 **Q.** He would --
 2 **A. He elaborated on that.**
 3 **Q.** Quite a bit; correct?
 4 **A. Correct.**
 5 **Q.** I mean, he was brutally honest about how
 6 hard it was going to be in terms of the intensity
 7 of the heat; correct?
 8 **A. Correct.**
 9 **Q.** In fact, if you know, after he was
 10 brutally honest about what was to be expected, one
 11 participate, Elsa Hefstad, elected not to go in at
 12 all; correct?
 13 **A. I wasn't aware of that. But I think some**
 14 **people in 2007 did the same thing.**
 15 **Q.** Okay. So people in 2007 after hearing
 16 the description chose for themselves not to do it;
 17 correct?
 18 **A. I believe so.**
 19 **Q.** So in 2009 did you know a woman named
 20 Elsa Hefstad?
 21 **A. I might have. Not by name. I don't**
 22 **remember that name.**
 23 **Q.** And, by the way, since you were the Dream
 24 Team member, did you also know that two sisters,
 25 last name Marzvaan, left after the Vision Quest?

1 **A. During the Samurai Game.**
 2 **Q.** So even earlier?
 3 **A. During the Samurai Game.**
 4 **Q.** They decided it wasn't for them and they
 5 left; correct?
 6 **A. Yes.**
 7 **Q.** Okay. Now, when Mr. Ray talked about the
 8 sweat lodge ceremony in this orientation, Mr. Ray
 9 said you've got to know when it is you've got to
 10 leave. It's up to you when you got to leave.
 11 Correct?
 12 **A. I don't remember that.**
 13 **Q.** Do you remember saying that?
 14 **A. No.**
 15 MS. DO: Your Honor, may I have one moment,
 16 please?
 17 THE COURT: Yes.
 18 **Q.** BY MS. DO: Would it refresh your
 19 recollection, Ms. Haley, to look at a transcript of
 20 a statement you gave to Detectives Diskin and
 21 Polling on December 16, 2009, with regards to what
 22 Mr. Ray did or didn't say about leaving?
 23 **A. Yes.**
 24 MS. DO: May I approach the witness, Your
 25 Honor?

1 THE COURT: Yes.
 2 **Q.** BY MS. DO: Ms. Haley, I'm going to show
 3 you a transcript. It appears to be 74 pages, and
 4 it's been marked as Exhibit 655. I'm going to ask
 5 you to look at page 37 and read lines 3 to 5 to
 6 yourself first.
 7 **A. He said --**
 8 **Q.** Read it to yourself and let me know when
 9 you're done.
 10 Did you read those two lines?
 11 **A. Yeah. I read those two lines. I read**
 12 **the lines after it too.**
 13 **Q.** What I'm asking you is with regards to
 14 what Mr. Ray said or didn't say about leaving, do
 15 you now remember that you told the detectives that
 16 Mr. Ray said you've got to know when it is you got
 17 to leave? You know it's up to you when you got to
 18 leave?
 19 **A. Yes. But he said you're going to feel**
 20 **like you're going to die. You're going to feel**
 21 **like your skin's burning off, but you're more than**
 22 **that.**
 23 **Q.** And that is consistent with what you said
 24 earlier where Mr. Ray was very elaborate in the
 25 details of the sweat lodge intensity; correct?

1 **A. Right. He also said you have all the**
 2 **support you needed and you're going to feel like**
 3 **you're going to die.**
 4 **Q.** Miss Haley, I'm going to get to that.
 5 But I just want to make sure the jury's clear on
 6 this. Mr. Ray said if you've got to leave, you've
 7 got to leave; correct?
 8 **A. Right.**
 9 **Q.** And with regards to the statement about
 10 whether or not --
 11 **A. Excuse me. Can I be a little more**
 12 **detailed? Because the reason this is put in there**
 13 **is a medication thing and somebody asking if they**
 14 **have heart medication and this and that.**
 15 **And he goes, you know what. You've got**
 16 **to know when you got to go.**
 17 **And so it was really directed towards**
 18 **that.**
 19 **Q.** Well, then let's make sure we're clear on
 20 that, Ms. Haley. At some point during the
 21 orientation a woman -- did you know whether or not
 22 that woman was Linnette Veguilla?
 23 **A. No. I don't know.**
 24 **Q.** A woman raised her hand and said, I take
 25 medication for blood pressure -- correct? -- high

1 blood pressure? Is that what you remember?
 2 **A. I remember a medication.**
 3 **Q.** And she asked Mr. Ray if that was going
 4 to present a problem; correct?
 5 **A. Is that for the sweat lodge? Because**
 6 **there was one for the Vision Quest. There was one**
 7 **for the sweat lodge and --**
 8 **Q.** We're talking about the sweat lodge.
 9 **A. Okay.**
 10 **Q.** During this orientation after the
 11 open-mic session, a woman said, I take medication
 12 for high blood pressure? Should I go in? Correct?
 13 **A. Somebody did.**
 14 **Q.** Somebody did?
 15 **A. Somebody asked about a medication. I**
 16 **can't say if it's high blood pressure. I can't say**
 17 **if it was a male or female. But somebody asked**
 18 **about the medication and should she go in.**
 19 **Q.** And to that question Mr. Ray said it's up
 20 to you?
 21 **A. Yes.**
 22 **Q.** Correct?
 23 **A. Yes.**
 24 **Q.** Because Mr. Ray is not a doctor; correct?
 25 **A. Yes.**

1 Q. And then after that question came up --
2 if you want to look again at page 37, the full
3 statement you gave to the detective is: You've got
4 to know when it is you got to leave. You know it's
5 up to you when you got to leave.

6 Some people asked about medication and
7 stuff, and he's, like, you know that's on you.
8 Right?

9 A. Right.

10 Q. And then you continue. And you said, but
11 he said, you're going to feel like you're going to
12 die. You're going to feel like your skin is
13 burning off, but you're more than that, like you're
14 not going to.

15 Is that correct?

16 A. Correct.

17 Q. Now, I want you to go further down --

18 A. You didn't finish. You feel like your
19 going to.

20 Q. Okay.

21 A. He said, you'll feel like you are going
22 to.

23 Q. And is that now the end of that
24 statement?

25 A. Yes.

1 Q. Now, I want you to move down on the same
2 page to lines 14 to line 16. Detective Polling --

3 MS. POLK: Your Honor, objection. This is now
4 hearsay. The witness has answered the question.
5 And counsel is now reading into the record for
6 additional hearsay information.

7 MS. DO: It's an inconsistent statement, but
8 let me lay the foundation, Your Honor.

9 THE COURT: Okay.

10 Sustained.

11 Q. BY MS. DO: When you finish reading to
12 the jury the statement you gave to the detectives
13 about Mr. Ray saying you're going to feel like
14 you're going to die, like you're not going to, you
15 then told the detectives that was your
16 interpretation -- correct? -- that Mr. Ray never
17 said the words, you're not going to die; correct?

18 A. No. Actually, he said the opposite
19 during the event, but not to do with the sweat
20 lodge. He just said, some of you may not make it
21 out of here.

22 Q. Let me ask that question again,
23 Ms. Haley.

24 A. Okay.

25 Q. On this same -- well, did you tell the

1 detectives that when you were relaying Mr. Ray's
2 statement --

3 MS. POLK: Objection. Hearsay, Judge.

4 THE COURT: Ms. Do.

5 MS. DO: Your Honor, it's an inconsistent
6 statement.

7 THE COURT: Sustained.

8 Q. BY MS. DO: Ms. Haley? Ms. Haley?

9 A. Yes.

10 Q. When you heard Mr. Ray say, it's hot;
11 you're going to feel like your skin is going to
12 burn off; you're going to feel like you're going to
13 die, you didn't hear him say the words you are
14 going -- you didn't hear him say the words you are
15 not going to die; correct?

16 A. I heard him say, you're more than that.

17 Q. Okay. I understand that. But my
18 question is this: Did you hear Mr. Ray tell the
19 participants, in fact, you're not going to die?

20 A. No.

21 Q. Right. What you were doing was you were
22 interpreting Mr. Ray's words for the detective;
23 correct?

24 A. For myself.

25 Q. Interpreting; is that correct?

1 A. Sure. Yes.

2 Q. So Mr. Ray never uttered those words to
3 the participants after he gave them this brutal
4 description, don't worry you're not going to die.
5 He didn't say those words; correct?

6 A. No.

7 Q. Now, after Mr. Ray gives the group this
8 description, and one person, as you've indicated, I
9 believe -- did you see somebody elect not to go
10 into the sweat lodge after this description?
11 You're not aware of that?

12 A. No, I'm not.

13 Q. Okay. Now, you then go down to the sweat
14 lodge ceremony, down to the tent; correct?

15 A. Correct.

16 Q. And you went down there. And, I believe,
17 you met with the participants down there. Correct?

18 A. I was late.

19 Q. You ran late, but you ended up being down
20 there with everyone?

21 A. Yes.

22 Q. Did you ever meet a gentleman by the name
23 of Ted Mercer?

24 A. I may have. I don't know him by name.

25 Q. Do you remember Mr. Ray introducing you

1 to Ted Mercer?

2 **A. No. I don't remember.**

3 **Q.** Did you become aware at some point that
4 it was Angel Valley with the people they selected
5 who actually construct and design the sweat lodge?

6 **A. Yes.**

7 **Q.** All right. Mr. Ray and James Ray
8 International, the company, didn't construct the
9 sweat lodge; correct? They didn't build it?

10 **A. You know, I'm -- I don't think so. But**
11 **I'm really not aware of the details of the building**
12 **of the sweat lodge.**

13 **Q.** Okay. I'm going to show you two
14 photographs that have been admitted. This is 322.

15 This is 322. When you went down to the
16 site, you became aware that there was a tent that
17 was set up as a cooling station; correct?

18 **A. Correct.**

19 **Q.** And this photograph depicts some of the
20 fruits that were made available under that tent for
21 the participants; correct?

22 **A. Correct.**

23 **Q.** And next to the fruits, looking at 321,
24 were big -- I don't know what you call those --
25 gallons of electrolytes and water; correct?

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1 **A. Correct.**

2 **Q.** Now, did you know that James Ray
3 International had requested this cooling station be
4 set up at the sweat lodge site?

5 **A. I assume.**

6 **Q.** And did you know whether or not that upon
7 that request it was Angel Valley that then put
8 together the fruits, the electrolytes, the water,
9 and whatever else was provided that day?

10 **A. I'm not aware.**

11 **Q.** And, by the way, when you're at Angel
12 Valley, do you know whether or not the source of
13 water is well water?

14 **A. I believe it is well water.**

15 **Q.** Now --

16 **A. But I don't know.**

17 **Q.** Your role as a Dream Team member down at
18 the sweat lodge site, being on the outside, as I
19 think Ms. Polk read to you from Exhibit 189, was to
20 be outside, to be alert; right?

21 **A. Yes.**

22 **Q.** To pay attention; correct?

23 **A. Yes.**

24 **Q.** To make sure that when participants came
25 out of the sweat lodge, whenever they decided to

1 come out, that you would be there; correct?

2 **A. Correct.**

3 **Q.** And you did that?

4 **A. Correct.**

5 **Q.** You remained alert?

6 **A. Correct.**

7 **Q.** All the talk about sleep that you didn't
8 get, it didn't affect you on that morning,
9 October 8th, in terms of your ability to be alert;
10 correct?

11 **A. Correct.**

12 **Q.** You paid attention?

13 **A. Yes.**

14 **Q.** Now, looking at Exhibit 319, which I
15 believe has also been admitted -- let me check.

16 MS. POLK: No, it has not.

17 MS. DO: Then let me do this.

18 May I approach the witness, Your Honor?

19 THE COURT: Yes.

20 MS. POLK: No objection.

21 **Q.** BY MS. DO: Ms. Haley, I'm going to hand
22 you Exhibit 319 and 529.

23 Do you recognize both of those
24 photographs depicting the flap of the sweat lodge
25 structure?

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1 **A. Yes.**

2 **Q.** And showing you now --

3 I'm sorry, Your Honor. May I move to
4 admit 319 and 529 without the state's objection?

5 THE COURT: Not yet.

6 MS. POLK: No objection.

7 THE COURT: 319 and 529 are admitted.

8 (Exhibits 319 and 529 admitted.)

9 MS. DO: Thank you. May I publish them?

10 THE COURT: Yes.

11 **Q.** BY MS. DO: All right. This is 319. The
12 sweat lodge structure was made up of -- the frame
13 was made up of wood -- correct? -- branches?

14 **A. I guess so.**

15 **Q.** From what you saw?

16 **A. From what I saw -- I saw the tarps. I**
17 **didn't get into it.**

18 **Q.** Okay. What you're looking at here is the
19 flap; correct?

20 **A. Yes.**

21 **Q.** And so it wasn't a door where it was shut
22 in some way. It's a flap that you lift up and lift
23 down; correct?

24 **A. Yes.**

25 **Q.** And I'm going to show you 529. That's a

1 view of the flap from the interior, correct?
 2 **A. Correct.**
 3 **Q.** And so does this photo accurately depict
 4 the sides of the flap or the entrance and exit?
 5 **A. Yes.**
 6 **Q.** As we can see from this photograph,
 7 again, it's not a door. It's a flap you can lift
 8 up and lift down; correct?
 9 **A. Correct.**
 10 **Q.** Now, you went down to the site. And I'm
 11 going to show you 146, which has been admitted.
 12 And what we're looking at here is the outside of
 13 the sweat lodge structure; correct?
 14 **A. Correct.**
 15 **Q.** And there appears to be four women
 16 holding -- not holding, but standing at four points
 17 around the sweat lodge structure; correct?
 18 **A. Correct.**
 19 **Q.** And do you see yourself in this
 20 photograph?
 21 **A. Yes.**
 22 **Q.** Is this you right here, the woman in the
 23 black?
 24 **A. Yes.**
 25 **Q.** And the woman next to you is Lisa Rondan,

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1 your roommate; correct?
 2 **A. Yes. Or is that Christine?**
 3 **Q.** I'm sorry. I could be incorrect. Is
 4 that Christine Jobe?
 5 **A. I'm not sure.**
 6 **Q.** Let me show you this woman. Do you know
 7 who that woman is?
 8 **A. Barbara.**
 9 **Q.** Is that Barb Waters?
 10 **A. Yes.**
 11 MS. POLK: Counsel, excuse me. Could you tell
 12 me what number.
 13 MS. DO: This is 146. I'm sorry.
 14 THE COURT: Actually, I don't have that as --
 15 MS. DO: It has not been admitted. I'm sorry.
 16 Let me do this.
 17 **Q.** I'm going to show two that I believe have
 18 been admitted -- 145 one 147. And I'm going to
 19 show you 146.
 20 Do you recognize that photograph
 21 depicting the four women, including yourself,
 22 outside the sweat lodge ceremony?
 23 **A. Yes. That's the one you put up there.**
 24 **Q.** Right. I skipped a couple steps so I'm
 25 going to go back.

1 **A. Yes.**
 2 **Q.** Does that accurately reflect --
 3 **A. The first round.**
 4 MS. POLK: And, Counsel, 147 I don't believe
 5 has been admitted.
 6 MS. DO: Your Honor, move to admit without the
 7 state's objection 146 and 147.
 8 THE COURT: 146 and 147 are admitted.
 9 (Exhibits 146 and 147 admitted.)
 10 **Q.** BY MS. DO: Let me go back to 146.
 11 Ms. Haley, we've already identified you as the
 12 person in the black in the back; correct?
 13 **A. Right.**
 14 **Q.** Who is the woman that is right here in
 15 the front? Barb Waters?
 16 **A. I'm going to guess. Again, it's the back**
 17 **of somebody's head and the back of her, but it**
 18 **looks like Barbara Waters.**
 19 **Q.** Okay. Do you see a head back here?
 20 **A. Yes.**
 21 **Q.** Do you know if that's Marta Reis?
 22 **A. Could be.**
 23 **Q.** Okay. So there were actually five women
 24 outside the sweat lodge ceremony; correct?
 25 **A. Four Dream Team members. I guess so.**

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1 **Q.** There are five; correct?
 2 **A. Okay.**
 3 **Q.** There would be Marta Reis --
 4 **A. Christine and Barbara is not in this one.**
 5 **Q.** So there are five Dream Team members
 6 including yourself?
 7 **A. Yes.**
 8 **Q.** It looks like from this photograph that
 9 you're all standing at equally dispersed points
 10 around the sweat lodge. Is that correct?
 11 **A. That's how we started.**
 12 **Q.** All right. And you started with about
 13 being a foot or so, maybe two feet, to the sweat
 14 lodge structure; correct?
 15 **A. Correct.**
 16 **Q.** And after you started on the sweat lodge
 17 ceremony, did you then leave these posts or did you
 18 remain in these posts?
 19 **A. We moved.**
 20 **Q.** You moved. So you no longer stayed in
 21 the positions we see here; is that correct?
 22 **A. Correct.**
 23 **Q.** Okay. Now, again, you were paying
 24 attention because that was your job; right?
 25 **A. Right.**

- 1 Q. And let's talk about the first round,
2 then. The first round went and you noticed -- or
3 did you notice that three people came out -- Silvia
4 de la Paz, Carl and Louise Nelson, who were
5 married? Did you know that?
6 A. **I knew three people came out.**
7 Q. They came out of their own volition;
8 correct?
9 A. **When the flap opened --**
10 Q. They came out; right? No one helped them
11 out; correct?
12 A. **Correct.**
13 Q. And they weren't prevented from leaving;
14 correct?
15 A. **Correct.**
16 Q. And so Carl and Louise Nelson ended up
17 staying out and never went back into the ceremony;
18 correct?
19 A. **I can't say agree or disagree.**
20 Q. To your knowledge, did they?
21 A. **I don't know.**
22 Q. All right. Do you know where they were
23 after the first round?
24 A. **I believed all the first round ones**
25 **stayed --**

- 1 Q. In the area?
2 A. **Yeah.**
3 Q. And I assume they were cooling off?
4 A. **Yeah.**
5 Q. Now, Silvia de la Paz -- you talked about
6 a woman that wanted to go back in, and then Marta
7 Reis grabbed her. Do you remember that?
8 A. **That was asked to come back in and Marta**
9 **Reis grabbed her. Didn't want to go back in.**
10 Q. We're going to go through that. I just
11 want to identify who we're talking about. Was that
12 Silvia de la Paz?
13 A. **The one with the fiance. I believe**
14 **that's her name.**
15 Q. In fact, her fiance, I believe, is
16 Richard Wright. Is that correct?
17 A. **Who is a doctor.**
18 Q. You think Mr. Wright is a doctor?
19 A. **I think he is.**
20 Q. Are you sure?
21 A. **No.**
22 Q. All right. Okay.
23 A. **I'm not even sure that's her name.**
24 Q. All right. Well, then just tell me that.
25 I'm asking you was it Silvia de la Paz?

- 1 A. **I'm not aware of that person's name.**
2 Q. This woman who had come out with a group
3 of three with Carl and Louise Nelson, you said at
4 some point around round three or four she went up
5 to the door like she wanted to go back in; correct?
6 A. **Right.**
7 Q. And when she went up to the door, the
8 flap was open; correct?
9 A. **Right.**
10 Q. And at some point Mr. Ray had said -- you
11 know -- anyone else want to come back in; right?
12 A. **He asked her directly.**
13 Q. Okay. But there was also an invitation
14 to whoever --
15 A. **Anybody.**
16 Q. Correct. And so -- and then at some
17 point he said to this woman who you can't recall
18 her name, come back in? Your fiance needs you;
19 correct?
20 A. **Right.**
21 Q. He didn't say that in a mean tone; right?
22 A. **No.**
23 Q. It was just matter of fact, your fiance
24 needs you; correct?
25 A. **Yes.**

- 1 Q. She then walked up to the sweat lodge
2 structure, to the flap, and she never entered. She
3 stood at the threshold; correct?
4 A. **No. She half entered.**
5 Q. So she's standing there and she's from
6 what you can see, considering going back in?
7 A. **Considering. She's walking in.**
8 Q. Okay. But ultimately she didn't go in;
9 correct?
10 A. **Half of her went in.**
11 Q. Ultimately she didn't go back into the
12 ceremony is my question.
13 A. **No. She pulled out and Marta grabbed**
14 **her.**
15 Q. So she's standing there. You're saying
16 she's half in. And Marta -- is it Marta Reis?
17 A. **Yes.**
18 Q. A Dream Team member?
19 A. **Yes.**
20 Q. She came up, and you described it as she
21 grabbed the woman by her arm; is that correct?
22 A. **To keep her right there at the door.**
23 Q. I understand. But I want to make sure we
24 understand the actual -- she grabbed her; correct?
25 A. **Yes.**

1 Q. You never saw Marta physically push this
 2 woman in; correct?
 3 A. No.
 4 Q. What you saw was that she was holding her
 5 at the flap; correct?
 6 A. Right. While she was pulling away so
 7 James could keep talking to her.
 8 Q. Okay. Now, Marta did that all on her
 9 own; isn't that correct?
 10 A. Yes. And James didn't correct her
 11 either.
 12 Q. Okay. We're going to get to that. But
 13 you never heard Mr. Ray direct Marta or any other
 14 Dream Team member to do that; correct?
 15 A. Correct.
 16 Q. Marta did it on her own?
 17 A. Correct.
 18 Q. And you didn't agree with that; correct?
 19 A. Correct.
 20 Q. And so what you're saying is that once
 21 she was out the door, Mr. Ray then talked to this
 22 woman that you can't remember her name; correct?
 23 A. Right.
 24 Q. And ultimately this woman decided, I
 25 don't want to go back in; correct?

1 A. Right.
 2 Q. And she chose not to?
 3 A. Yes. She pulled away, physically pulled
 4 away, and didn't want to hear.
 5 Q. And after she said no, walked away,
 6 Mr. Ray did nothing more; correct?
 7 A. Correct.
 8 Q. He didn't follow-up and assert anything.
 9 He let her --
 10 A. Not after that.
 11 Q. Let me finish, please.
 12 A. Sorry.
 13 Q. He let make her choice, and she walked
 14 away; correct?
 15 A. Correct.
 16 Q. Let's talk about Lou Caci. First of all,
 17 you're friends with Lou; correct?
 18 A. Correct.
 19 Q. Are you aware that Mr. Ray has been
 20 friends with Lou for over 20 years?
 21 A. Yes.
 22 Q. Now, at some point, and you believe this
 23 is around round four, Mr. Caci comes out and he's
 24 got a burn?
 25 A. Right.

1 Q. And you described it -- do you know which
 2 hand? If you don't, that's fine.
 3 A. His right hand.
 4 Q. And you described it as a deep cut across
 5 his inner palm; is that correct?
 6 A. Yes.
 7 Q. It wasn't that he had chunks of flesh
 8 hanging from the arm?
 9 A. Actually, I think he did have other
 10 burns. I didn't see them until later.
 11 Q. We want to make sure that we're talking
 12 about what you saw. Did you see --
 13 A. Not at that moment. All I saw was the
 14 hand.
 15 Q. And later on when was it that you saw
 16 him?
 17 A. When the ambulances were there and he was
 18 leaving.
 19 Q. All right. In both occasions what you
 20 saw for certain was the cut across the hand or what
 21 appeared to be a deep cut?
 22 A. It appeared -- his hand was open. I
 23 could see right inside his hand.
 24 Q. But nothing in terms of, like, chunks of
 25 flesh; correct?

1 A. That was all flesh right here open. I
 2 didn't see this part.
 3 Q. When you say "this part," you're talking
 4 about the arm?
 5 A. Right. Because he was sitting.
 6 Q. Did you ever become aware that Mr. Caci
 7 was treated for a second degree burn? If you know.
 8 If you don't, that's okay.
 9 A. No. I can't.
 10 Q. All right. So Mr. Caci comes out. And
 11 you're aware from what you heard from inside the
 12 sweat lodge ceremony that Mr. Caci somehow burned
 13 his hand on the hot pit of rocks; correct?
 14 A. Correct.
 15 Q. And so while you're outside the sweat
 16 lodge ceremony, whatever position you're in, you're
 17 able to hear certain conversations come out of that
 18 structure; correct?
 19 A. I heard a loud talking and we need to get
 20 him out. Somebody burned themselves.
 21 Q. You were able to hear all that?
 22 A. Yeah.
 23 Q. Do you know where -- how far you were to
 24 the sweat lodge structure when you heard somebody
 25 burned themselves? Can you use the photo that's up

1 there.

2 **A. I'm over here.**

3 **Q.** You're using the photograph --

4 **A. Because the other picture, like**

5 **picture 145 --**

6 **Q.** Is that better?

7 **A. Yes.**

8 **Q.** Do you want me to put that one up?

9 **A. I don't see it there. There's chairs**

10 **there. There is no chairs here.**

11 **Q.** I want you to use a photo that you're

12 comfortable with. Is 145 better?

13 **A. No. We're fine with that. It's around**

14 **there. It's close to the water and --**

15 **Q.** The cooling station?

16 **A. Yes.**

17 **Q.** Do you know how far you were? Can you

18 estimate the distance for me when you heard

19 somebody burned themselves.

20 **A. From about -- from the Judge to about**

21 **Sheila.**

22 **Q.** Ms. Polk?

23 **A. Ms. Polk. Yes.**

24 **Q.** I'm horrible at this, but I'm go to

25 estimate that's probably about 30 feet. Am I

1 totally off?

2 **A. I don't know.**

3 **Q.** All right.

4 **A. 15, 20 feet.**

5 **Q.** Some distance; correct?

6 **A. A little bit. Yeah. I needed to be**

7 **where the people were laying down.**

8 **Q.** Okay. We'll get the measurement later.

9 I think we've created a map for Your Honor.

10 Ms. Haley, from that distance you're able

11 to hear that conversation come from the sweat

12 lodge, someone burned themselves; correct?

13 **A. Yes.**

14 **Q.** And then Mr. Caci comes out and you see

15 his hand. And you put two and two together, and

16 you realize it's him that burned his hand?

17 **A. Right. When I saw him come out.**

18 **Q.** Now, he stayed out and you saw him stay

19 out for a few rounds; correct?

20 **A. At least two.**

21 **Q.** And you tended to his burn; correct?

22 **A. Correct.**

23 **Q.** He hydrated. He drank water; correct?

24 **A. Correct.**

25 **Q.** You gave him water?

1 **A. Yes.**

2 **Q.** And you also hosed him off to cool him

3 off; correct?

4 **A. Correct.**

5 **Q.** So he rested for however many rounds?

6 Two or three; correct?

7 **A. One or two, two.**

8 **Q.** Now, then at some point you see Mr. Caci

9 walking back to the ceremony because he wanted to

10 go back in; correct?

11 **A. Correct.**

12 **Q.** Now, when Mr. Caci walked back to the

13 sweat lodge ceremony, Mr. Ray and nobody else

14 called for anyone to come back in; correct?

15 **A. Correct.**

16 **Q.** Mr. Ray didn't say Lou, come back in?

17 **A. No.**

18 **Q.** There was no coercion whatsoever?

19 **A. There was no coercion.**

20 **Q.** Mr. Caci chose on his own; correct?

21 **A. Correct.**

22 **Q.** And you -- obviously understanding the

23 burn that he had, you didn't want him to go back

24 in; correct?

25 **A. And his state of mind.**

1 **Q.** So you tried to stop him?

2 **A. He wasn't normal.**

3 **Q.** Okay.

4 **A. He wasn't thinking right.**

5 **Q.** You tried to stop him; correct?

6 **A. Yeah. I screamed.**

7 **Q.** You said Lou, don't go back in?

8 **A. You're injured. You can't go back in.**

9 **Q.** But he went in anyway?

10 **A. Marta then said, let him -- shut up. Let**

11 **him have his own experience.**

12 **Q.** It sounds like you didn't really like

13 what Marta was doing. Correct?

14 **A. Well, I was trying to keep somebody safe,**

15 **which I thought that was my job.**

16 **Q.** I understand. So what Marta did this

17 time, telling you to leave Lou alone, you didn't

18 agree with that; correct?

19 **A. Correct.**

20 **Q.** And, again, Marta did that on her own?

21 **A. Correct.**

22 **Q.** Mr. Ray did not have anything to do with

23 Marta interfering with you; correct?

24 **A. Correct. So I was sure he wouldn't let**

25 **him come in.**

1 Q. In fact, you told Ms. Polk, I believe,
2 either on the 3rd or the 4th, that Marta's
3 statement, let him have his own experience -- you'd
4 only heard that twice, and both times they came
5 only Marta Reis; correct?
6 A. Correct.
7 Q. And specifically only at this event;
8 correct?
9 A. I've heard that all through the seminar.
10 It is something that is said, letting people have
11 their own experience and leaving them alone.
12 In that Dream Team piece of paper there's
13 a part in there that says to not touch people and
14 let them have their own experiences.
15 Q. And there's also a section in there
16 specifically about the sweat lodge, that you needed
17 to attend to the participants, whatever they
18 needed; correct?
19 A. Right.
20 Q. Now, so we're clear, Marta -- what she
21 did with Lou, she did it all on her own; correct?
22 A. Correct.
23 Q. And Mr. Caci went back in, the ceremony
24 concluded and he came back out. And, I believe,
25 according to your statement, he was okay. Correct?

1 A. I didn't see when he came out. I saw
2 him -- when he was out like after all the trauma
3 that I've been dealing with.
4 Q. Do you remember when you spoke to me on
5 December 16th, 2010, I specifically asked you that,
6 and you said, Lou's okay?
7 A. He's okay.
8 Q. Right?
9 A. When I saw him later that night, he was
10 okay. I just didn't see him when he walked out.
11 You specifically asked me that, if he was
12 all right when he walked out. And I don't know how
13 he was when he walked out. But I know a few hours
14 later he was all right.
15 Q. Okay. Let me now move to Melissa
16 Phillips. She's a friend of yours; correct?
17 A. We're good friends in the events. We
18 haven't seen each other outside JRI events or
19 transformation breath-work events.
20 Q. And Ms. Phillips went into the sweat
21 lodge ceremony and chose to come out between rounds
22 three and five?
23 A. Three.
24 Q. She came out around three; correct?
25 A. Correct.

1 Q. You said that she came out round three
2 and she was exhausted, as to be expected; correct?
3 A. Correct.
4 Q. But she recouped, quote, unquote, so
5 fast?
6 Correct?
7 A. I don't know about fast. She was out for
8 45 minutes. She recouped nice.
9 Q. So she was fine?
10 A. She was fine.
11 Q. All right. But later on that night after
12 the paramedics arrived, the ambulances left, you
13 then went to that hall that we had talked about
14 earlier; correct?
15 A. Right.
16 Q. And at some point during the interviews
17 with the various folks, Melissa Phillips came up to
18 you; correct?
19 A. Correct.
20 Q. And Ms. Phillips had already left the
21 scene of the sweat lodge ceremony. She didn't
22 require medical attention immediately when the
23 paramedics were there; correct?
24 MS. POLK: Objection. Foundation.
25 MS. DO: Well, let me --

1 THE COURT: Ask it again.
2 MS. DO: Sure.
3 Q. She didn't go to the hospital immediately
4 from the scene; correct?
5 A. She asked me if she should. Her stomach
6 was upset and she had a headache.
7 Q. I'm going to get to that. But what I
8 want to make sure we understand, Ms. Haley, from
9 the scene after people came out and obviously the
10 critically ill, like Liz Neuman and the other
11 folks, went to the hospital from the sweat lodge
12 site. Correct?
13 A. Correct.
14 Q. Melissa Phillips was not one of them?
15 She ended up being in that hall with you; correct?
16 A. I saw her in the hall.
17 Q. To your knowledge, had she already gone
18 back to her cabin and showered?
19 A. Not to my knowledge.
20 Q. Now you -- Ms. Phillips came up to you
21 and told you she felt nauseas; correct?
22 A. Correct.
23 Q. She felt a headache?
24 A. Correct.
25 Q. She wasn't feeling well; correct?

1 **A. Correct.**
 2 **Q.** And you told her, you should go to the
 3 hospital?
 4 **A. Not correct. She asked me.**
 5 **Q.** What did you tell her?
 6 **A. She asked me if I thought she should go**
 7 **to the hospital.**
 8 **Q.** Okay. So she asked you and then you told
 9 her --
 10 **A. I thought that she should since we don't**
 11 **know what's going on here. And when other people**
 12 **asked me, I said I think you should all go.**
 13 **Q.** Isn't it true that you told Ms. Phillips
 14 that you thought she should go to the hospital
 15 because you had overheard a policeman say it might
 16 be carbon monoxide?
 17 **A. That I heard somebody. Yes.**
 18 **Q.** At that time; right?
 19 **A. Yes.**
 20 **Q.** And this took place in that main hall
 21 where everyone was getting interviewed; correct?
 22 **A. Correct.**
 23 **Q.** Do you remember this person coming -- did
 24 he have on a uniform?
 25 **A. I don't remember.**

1 **Q.** Go ahead.
 2 **A. I don't remember who said that statement.**
 3 **But I remember hearing it when I was down there.**
 4 **So I thought we don't know what it is, so go. What**
 5 **if it is?**
 6 **Q.** But what you overheard was a statement
 7 from a law enforcement person that they thought it
 8 was carbon monoxide. I'm not saying that you know
 9 or you don't know.
 10 **A. That they were going to check.**
 11 **Q.** Okay.
 12 **A. That they were going to check.**
 13 **Q.** And so based upon that, you thought it
 14 was not a good idea for Ms. Phillips to not get her
 15 symptoms checked out; correct?
 16 **A. Correct.**
 17 **Q.** Did you also become aware, being in that
 18 room with a bunch of other people, that after the
 19 statement -- and let me ask you this question: Do
 20 you remember that statement being it might be
 21 carbon monoxide mixed in with organophosphates?
 22 **A. No. I didn't hear that.**
 23 **Q.** You're not saying it didn't happen. You
 24 just don't --
 25 **A. I'm just saying I didn't hear that. I**

1 **would know those words if I heard that.**
 2 **Q.** Based upon the policeman or the law
 3 enforcement person's statement that it might be
 4 carbon monoxide --
 5 **MS. POLK:** Objection, Your Honor. That
 6 mischaracterizes the witness' testimony. Her
 7 testimony was that she heard officers say they were
 8 going to check carbon monoxide, not that it might
 9 be carbon monoxide.
 10 **THE COURT:** Ms. Do?
 11 **MS. DO:** May I have one moment, Your Honor?
 12 **THE COURT:** Yes.
 13 **Sustained.**
 14 **Q.** BY MS. DO: Ms. Haley, did you hear a
 15 policeman say or people who were law enforcement
 16 say that there may be carbon monoxide?
 17 **A. I heard them say they were going to**
 18 **check.**
 19 **Q.** Okay. That doesn't quite respond to the
 20 question. I understand they want to check. My
 21 question to you is yes or no. Did you hear a law
 22 enforcement person, a cop, a fireman, whatever, say
 23 they thought there might be carbon monoxide?
 24 **A. No.**
 25 **Q.** You didn't hear that?

1 **A. No.**
 2 **Q.** Okay. When you spoke to
 3 Detectives Diskin and Polling on December 16th,
 4 2009 -- when you spoke to the detective on
 5 December 16th, 2009, Ms. Haley, did you tell the
 6 detectives, and then I had some people come up and
 7 we were saying maybe there was carbon monoxide? Do
 8 you remember that?
 9 **A. Yes.**
 10 **Q.** Do you remember saying that you heard
 11 that come from a cop?
 12 **A. I heard they were going to check for it.**
 13 **I interpreted maybe it's that. So I said that.**
 14 **Q.** So you told Ms. Phillips that she should
 15 go based upon that; right?
 16 **A. Based upon the fact we don't know.**
 17 **Q.** Do you know whether or not a wave of
 18 other participants went to the hospital?
 19 **A. Yes.**
 20 **Q.** After -- that's okay. Is that yes?
 21 **A. Yes.**
 22 **Q.** Do you know whether or not a wave of
 23 participants went to the hospital after the first
 24 group that were critically ill went to the
 25 hospital? That would include Ms. Brown, Mr. Shore,

1 Ms. Neuman, Stephen Ray, I believe. Correct?

2 **A. Correct.**

3 **Q.** And a lot of these people went from that
4 dining hall that you were talking about; correct?

5 **A. Correct.**

6 **Q.** Did that take place after -- wherever it
7 was that you heard, did that take place after you
8 got the idea that maybe they were checking for
9 carbon monoxide?

10 **A. No.**

11 **Q.** It didn't?

12 **A. No.**

13 **Q.** You didn't tell Ms. Phillips -- let me
14 ask you this question, Ms. Haley: You never heard
15 anyone at the dining hall from either firemen or
16 police officer or detective tell people that they
17 needed to go to the hospital in this second wave
18 because of heat stroke; correct? You didn't hear
19 those words?

20 **A. I didn't -- I wasn't in the dining hall.**
21 **I was outside the dining hall until -- you know --**
22 **I ended up being interviewed at the last part. So**
23 **I didn't hear all this stuff that went on in the**
24 **dining hall.**

25 **Q.** So you're not sure if it was or not?

1 **A. Right.**

2 **Q.** Is that your testimony?

3 **A. Yes.**

4 MS. DO: Your Honor, may I have one more
5 moment?

6 THE COURT: Yes. And it is 5:00 o'clock.

7 MS. DO: Does the Court want to break? I have
8 a little bit more. I won't be able to finish it.

9 THE COURT: We'll go ahead and take the
10 evening recess.

11 Ladies and gentlemen, please remember the
12 admonition. Don't talk to anyone about the case.
13 Don't let anyone talk to you about it. And, as
14 I've emphasized, that applies even among
15 yourselves. You cannot discuss the case among
16 yourselves until the case is completely over. Keep
17 an open mind about the case.

18 And I do appreciate you are letting us
19 know when you think there is any slight incident or
20 problem with the admonition.

21 I have a note, and that's been
22 considered, the juror who submitted that.

23 And, Ms. Haley, remember the rule of
24 exclusion.

25 We will take the evening recess. Please

1 reassemble at 9:15 tomorrow morning. And I'm going
2 to ask the parties to remain a moment. Thank you.

3 Ms. Haley, you may step down.

4 (Proceedings continued outside presence
5 of jury.)

6 THE COURT: The jury has exited.

7 And you did give this note to counsel
8 from a juror just mentioning something on the
9 elevator, really a nonevent. I'm just going to
10 file these as I get them. I initialed it and dated
11 it for today. It will be filed.

12 Any comment, Mr. Hughes?

13 MR. HUGHES: No, Your Honor.

14 THE COURT: Mr. Li?

15 MR. LI: No, Your Honor.

16 THE COURT: Anything else?

17 MR. HUGHES: Your Honor, what time did you
18 say? 9:15?

19 THE COURT: I told the jurors 9:15. If you
20 think there is going to be a legal issue, I want to
21 be talking about that in good time.

22 Ms. Polk?

23 MS. POLK: Just a quick procedural matter.

24 The three audios that the state used
25 today, the exhibit stamp that is on envelope -- and

1 I'm concerned because the audio itself -- there is
2 nothing tying the audio to the exhibit.

3 And with the Court and counsels'

4 permission, what I'd like to do is ask the clerk to
5 write the exhibit number on the CD itself. In the
6 event it gets separated, we'd know what CD it was.

7 MR. LI: No objection.

8 THE COURT: That makes sense.

9 Mr. Li, did you have anything you want to
10 bring up?

11 MR. LI: No. Just stretching.

12 THE COURT: We'll be in recess. Thank you.

13 (The proceedings concluded.)

1 STATE OF ARIZONA)
2 COUNTY OF YAVAPAI) ss: REPORTER'S CERTIFICATE
3

4 I, Mina G. Hunt, do hereby certify that I
5 am a Certified Reporter within the State of Arizona
6 and Certified Shorthand Reporter in California.

7 I further certify that these proceedings
8 were taken in shorthand by me at the time and place
9 herein set forth, and were thereafter reduced to
10 typewritten form, and that the foregoing
11 constitutes a true and correct transcript.

12 I further certify that I am not related
13 to, employed by, nor of counsel for any of the
14 parties or attorneys herein, nor otherwise
15 interested in the result of the within action.

16 In witness whereof, I have affixed my
17 signature this 21st day of March, 2011.

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MINA G. HUNT, AZ CR No. 50619
CA CSR No. 8335

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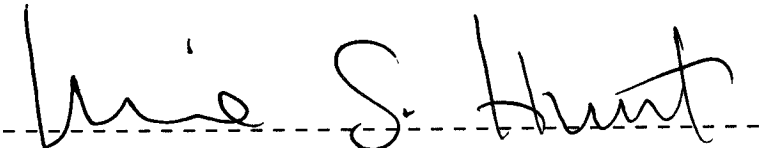
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